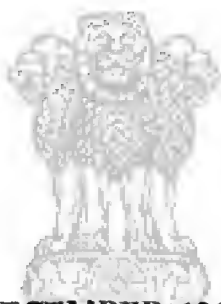


REPORT OF THE
LOKHANDI JATHA KAMGAR
ENQUIRY COMMITTEE



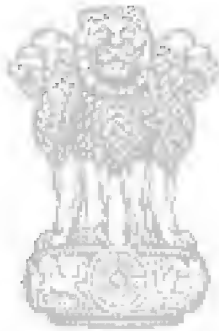
DECEMBER 1965

नमो भगवते वासुदेवाय

GOVERNMENT OF MAHARASHTRA

(Industries and Labour Department)

Report of the Committee for settlement of disputes between the Bombay Iron Merchants' Association, Bombay, and the Iron, Steel and Hardware Merchants' and Manufacturers' Chamber of India, Bombay, on the one hand, and the Lokhandi Jatha Kamgar Union, Bombay, and the Transport and Dock Workers' Union, Bombay (representing "Tolliwallas") on the other hand.



December 1965

THE COMMITTEE

SHRI B. S. KALELKAR,	<i>Chairman.</i>
SHRI C. L. GHEEWALLA,	<i>Member.</i>
SHRI TARACHAND K. GUPTA,	<i>Member.</i>
SHRI K. A. KHAN,	<i>Member.</i>
SHRI M. P. MORE,	<i>Member.</i>
SHRI P. J. OVID,	<i>Secretary.</i>



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REPORT OF THE "LOKHANDI JATHA KAMGAR ENQUIRY COMMITTEE "

CHAPTER I

PRELIMINARY

1. *Origin of the Committee.*—The workmen engaged in handling of iron and steel materials in Greater Bombay, popularly known as the "Lokhandi Jatha Kamgars", had, since some time in the past, been agitating over questions relating to increase in their wage rates and improvement in their service conditions. In October 1962, through the informal mediation of Shri Homi J. H. Taleyarkhan, the then Minister for Civil Supplies, Maharashtra, Bombay, these workmen, along with the other "Mathadi" labour in Bombay, were able to secure a 25 per cent. increase in their then existing wage rates. Again, early in the year 1964, the "Lokhandi Jatha Kamgars", along with their bretheren, the "Mathadi" workmen, organised another movement for the betterment of their wage rates and service conditions. In September 1964 the "Mathadi" labour, as a result of the informal intervention of Shri Homi J. H. Taleyarkhan, the then Minister for Civil Supplies, Maharashtra, Bombay, was again successful in getting a further 12½ per cent. increase in their then existing wage rates. The question of further improvement in the wage rates of the "Lokhandi Jatha Kamgars", however, remained unresolved at that time. The "Lokhandi Jatha Kamgars", at the instance of their respective Trade Unions, viz. (1) the Lokhandi Jatha Kamgar Union, Bombay and (2) the Transport and Dock Workers' Union, Bombay (which had by then well emerged on the scene) went on an indefinite strike, with effect from 2nd September 1964, with a view to pressing home their demands, as embodied in their Circular letters, dated 6th February 1964 (copy attached herewith and marked Annexure "A") to the two Associations of Employers, viz. (1) the Bombay Iron Merchants' Association and (2) the Iron, Steel and Hardware Merchants' and Manufacturers' Chamber of India (and also to the various Individual Merchants engaged in the iron and steel trade in Greater Bombay). The abovesaid strike was, however, eventually called-off, with effect from 21st October 1964, through the efforts of the Commissioner of Labour, Bombay, and two identical Agreements dated 8th October 1964 and 21st October 1964 (copies attached herewith and marked Annexures "B" and "B-1" respectively) were reached between the said two Trade Unions of the Workmen and the two Associations of the Employers in respect of the matters in dispute.

The main feature of these two Agreements were that the parties to the Agreements agreed to move Government for constituting a Tripartite Committee, consisting of two representatives of the Iron and Steel trade—one each to be nominated by the respective Associations of Employers—and two representatives of the "Lokhandi Jatha Kamgars"—one each to be

nominated by the respective Trade Unions—and a Chairman from the Government side, who was to be approved jointly by the parties, or alternatively, who was to be appointed by Government in consultation with the parties. The other important provision of the said two Agreements was that the following matters were to be referred to the proposed Tripartite Committee, viz.:—

“(1) to what extent the present rates should be enhanced, rationalised and revised; and

(2) whether there is need to modify the present system of employment, including working hours, payment of overtime wages, payment for working on Sundays and holidays, pay-scales of “Chawkidars, payment of wages on 10th of every month, accident benefits and medical assistance, giving of a slip of correct weight of work done every day, bonus and recognition of Union, and if so, what alternative system of employment should be introduced”.

Another significant term of the said Agreements was that the majority recommendations of the contemplated Tripartite Committee would be binding on the parties and that any rise in the wage rates which the proposed Tripartite Committee may recommend, will be given retrospective effect from 1st August 1964 and that any recommendations that may be made on the question of interim relief by the Commissioner of Labour, Bombay, would be accepted by the parties and given retrospective effect from 1st August 1964. It may be relevant to mention here that, in accordance with this latter provision of the abovestated two Agreements, the Commissioner of Labour, Bombay recommended an interim relief of 10 per cent. increase in the then existing wage rates, with retrospective effect from 1st August 1964. This interim relief recommended by the Commissioner of Labour, Bombay, it may be further stated here, has since been accepted and implemented by the majority of the employers in the iron and steel trade in Greater Bombay.

2. *Constitution of the Committee.*—In pursuance of the provisions of the above mentioned two Agreements dated 8th October 1964 and 21st October 1964 (*vide* Annexures “B” and “B-1” respectively), the Government of Maharashtra has been pleased to appoint the present Committee for settlement of disputes between the Bombay Iron Merchants’ Association, Bombay and the Iron, Steel and Hardware Merchants’ and Manufacturers’ Chamber of India, Bombay, on the one hand, and the Lokhandi Jatha Kamgar Union, Bombay and the Transport and Dock Workers’ Union, Bombay (representing “Tolliwallas” on the other hand—*vide* Government Resolution, Industries and Labour Department, No. AJI. 81 (2) 64-LAB-II, dated 29th January 1965 (copy attached herewith and marked Annexure “C”).

3. *Composition of the Committee.*—The composition of the Committee is as follows :—

Chairman

Shri B. S. Kalelkar, M.A., LL.B., Awasia House, 1st Floor, Darabshah Road, Bombay-26.

Employers' Representatives.

(1) Shri Tarachand K. Gupta, C/o Iron, Steel and Hardware Merchants' and Manufacturers' Chamber of India, 153, Narayan Dhuru Street, Bombay-3.

(2) Shri C. L. Gheewala, Indian Merchants Chamber, 76, Veer Nariman Road, Bombay-1.

Employees' Representatives.

(1) Shri Madan Phadnis, C/o Lokhandi Jatha Kamgar Union, 230/32, Lokhandi Jatha, Sant Tukaram Road, Bombay-9.

(2) Shri K. A. Khan, C/o Transport and Dock Workers' Union, P. D'mello Bhavan, Frere Road, Bombay-1.

Secretary.

Shri P. J. Ovid, Assistant Commissioner of Labour, Bombay.

Subsequently, in the place of Shri Madan Phadnis, Government was pleased to appoint Shri Madhukar Pandurang More, 166, Khandelwal Bhavan, 1st Floor, Dr. Dadabhoy Naoroji Road, Bombay-1, as one of the employees' Representative on the Committee, with effect from 28th October 1965 *vide* Government Resolution, Industries and Labour Department, No. AJI. 81(2) 64-LAB-II, dated 20th October 1965 (copy attached herewith and marked Annexure "D").

4. *Terms of Reference of Committee.*—The terms of reference of the Committee are as follows :—

(a) To what extent the present rates should be enhanced, rationalised and revised ; and

(b) Whether there is need to modify the present system of employment, including working hours, payment of overtime wages, payment of working on Sundays and holidays, pay-scales of "Chawkidars", payment of wages on 10th of every month, accident benefits and medical assistance, giving of a slip of correct weight of work done every day, bonus and recognition of Union, and if so, what alternative system of employment should be introduced.

It may be relevant to note here that the terms of reference of the Committee are practically the same as agreed to by the parties, under their Agreements dated 8th October 1964 and 21st October 1964, respectively (*vide* Annexures "B" and "B-1" respectively).

5. *Time-limit for Submission of the Report of the Committee.*—Initially, under the Government Resolution, Industries and Labour Department, No. AJI.

81 (2) 64-LAB-II, dated 29th January 1965 (Annexure "C"), a time-limit of six months was prescribed by Government for submission of the Report of the Committee to it. However, as it was not possible for the Committee to submit its Report to Government within this time-limit, the Committee moved Government for grant of three months' extension of time to it. Government was pleased to accept this request of the Committee and allow it an extension of time-limit, upto 28th October 1965—*vide* Government Resolution, Industries and Labour Department, No. AJI. 81(2) 64-LAB-II, dated 7th August 1965 (copy attached herewith and marked Annexure "E"). However, it was again not possible for the Committee to send its Report to Government even within the extended time-limit, owing to non-availability of the services of Shri Madan Phadnis, from the end of September 1965. The Committee, therefore, again approached Government for grant of a further extension of time, till the middle of December 1965, for submission of its Report to it. Government was pleased to accept this latter request of the Committee as well and allow it further extension of time, upto the 15th December 1965, for sending its Report to it—*vide* Government Resolution, Industries and Labour Department, No. AJI. 81(2) 64-LAB-II, dated 1st November 1965 (copy attached therewith and marked Annexure "F"). Subsequently, the Committee again moved Government for grant of one week's extension of time to it so as to enable it to finalise its unanimous Report. This final request of the Committee was also granted by Government and the Committee was allowed extension of time-limit, upto 22nd December 1965, for submission of its Report to Government—*vide* Government Resolution, Industries and Labour Department, No. AJI. 81(2) 64-LAB-II, dated 20th December 1965 (copy attached herewith and marked Annexure "F-1").

6. *Staff of the Committee.*—In the beginning, no secretarial staff was assigned to the Committee by Government, for its clerical work. The Committee, therefore, in March 1965, moved Government for sanction of staff, comprising one Senior Clerk, one Steno-typist and one Peon, to the Committee. Towards the end of May 1965, Government was, however, at the request of the Committee, pleased to create one temporary post of Senior Clerk in the Office of the Commissioner of Labour, Bombay, for the clerical work of the Committee, upto 28th July 1965, in the first instance—*vide* Government Resolution, Industries and Labour Department, No. AJI. 81(2) 64-LAB-II, dated 27th May 1965 (copy attached herewith and marked Annexure "G"). The said post of one Senior Clerk was subsequently continued by Government, from time to time, till 15th December 1965—*vide* Government Resolution, Industries and Labour Department, No. AJI. 81(2) 64-LAB-II, dated 7th August 1965 and Government Resolution, Industries and Labour Department, No. AJI. 81(2) 65-LAB-II, dated 1st November 1965 (copies attached herewith and marked Annexures "H" and "I" respectively). As regards the posts of a Steno-typist and a Peon for the Committee, the Government was pleased to make administrative arrangements through the Office of the Commissioner of Labour, Bombay, to make the services of one Steno-typist and one Peon available to the Committee, for its work, from the end of May 1965 till 15th December 1965.

7. *Procedure Adopted and Working of the Committee.*—The Committee held fourteen Meetings—all in Bombay—between 26th February 1965 and 17th December 1965. In addition, the Committee visited a few places in Bombay, where loading, unloading, etc. work of iron and steel materials is being done on a large-scale, viz. The Bombay Iron Market, Kolsa Bunder (Darukhana Area) and Wadi Bunder Railway Yard, with a view to observe, on the spot, the system and conditions of work of the “Lokhandi Jatha Kamgars” in Bombay. Besides, the Committee also recorded evidence from a large number of persons and organisations concerned with and interested in the work of the Committee, at Loha Bhavan, Frere Road, Bombay-9, between 20th July 1965 and 3rd August 1965. The necessary publicity was given by the Committee to its above-said evidence recording work by issuing Press Notes, intimation and invitation letters to all known Associations of Employers, Trade Unions of Workmen and Individual Merchants and persons connected with and interested in the iron and steel trade in Bombay. The response to the Committee in its evidence recording work, it may be stated here, was quite encouraging and during the nine days of its evidence recording work, the Committee recorded well over 160 pages of written evidence from 13 persons. A list of the persons and organisations, who appeared before the Committee and gave evidence before it, is attached herewith and marked Annexure “N”.

In the preliminary Meeting of the Committee, which was held on 26th February 1965, the terms of reference of the Committee were considered and discussed and a programme of work was chalked out. The quorum for the Meeting of the Committee was also fixed up and a decision was taken to move Government for sanction of staff, consisting of one Senior Clerk, one Steno-typist and one peon for the clerical work of the Committee. It was also decided in this meeting that a draft Questionnaire, for eliciting information from all organisations and persons concerned with and interested in the work of the Committee, may be drawn up. In the next Meeting of the Committee, which was held on 12th March 1965, the abovesaid draft Questionnaire(s) were considered and finalised. In all four Questionnaires were prepared—(1) for Associations of Merchants, (2) for Trade Unions of Workmen, (3) for Individual Merchants/Stockists/Importers/Commission Agents/Brokers, etc., and (4) for “Tolliwallas” (copies of these four Questionnaires are attached herewith and marked Annexures “J”, “K”, “L”, and “M” respectively). It was decided that one month’s time may be given to the parties for submitting their replies to the Questionnaires. It was also decided that suitable Press Notes, through the Director of Publicity, Bombay giving widest publicity to the work of the Committee, as also to the Questionnaires framed by it, may be issued.

Accordingly, in all 497 Questionnaires were issued by the Committee—two each to the respective Associations of Employers and Trade Unions of Workmen, eight to the “Tollies” and the remaining 485 to the

Individual Merchants/Stockists/Importers/Commission Agents/Brokers, etc. Publicity, through Press Notes, was also given to the work of the Committee and the Questionnaires issued by it. The time-limit for submission of replies to the Questionnaires was subsequently extended by the Committee, from time to time. As a result of these efforts, the Committee was able to receive 79 replies to its Questionnaires. It may be significant to mention here that both the Associations of Merchants and the Trade Unions of Workmen as also all the eight "Tollies" of workmen submitted their replies to the respective Questionnaires of the Committee. Besides their replies to Questionnaires, both the Associations of Employers and Trade Unions of Workmen also submitted detailed Memoranda containing their respective views, contentions and observations in respect of work of the Committee. A list showing the names and addresses of the Associations of Employers, Trade Unions of Workmen, "Tollies" and Individual Merchants/Stockists/Importers/Commission Agents/Brokers, etc., to whom the Questionnaires of the Committee were sent and those who replied to the same, is attached herewith and marked Annexure "M-1".

In the Third Meeting of the Committee, which was held on 28th June 1965, some of the replies received by the Committee in response to its Questionnaires were generally considered and discussed. In this Meeting, visits to certain selected places in Greater Bombay, for observing the system and conditions of the "Lokhandi Jatha Kamgars", on the spot, were also fixed up. In addition, a programme of recording of evidence from all organisations, bodies and persons connected with and interested in the work of the Committee was drawn up. It was also decided that Government may be moved for grant of three months' extension of time-limit for submission of the Committee's Report, as it was not possible for the Committee to send its Report to Government within the time-limit prescribed till then.

In the Fourth Meeting of the Committee, which was held on 13th September 1965, the material received by the Committee till then and the recommendations that the Committee may be required to make to Government in respect of its terms of reference were generally considered. In the Fifth Meeting of the Committee, which was held on 27th September 1965, suggestions relating to alternative systems for regulation of labour work and service conditions in the iron and steel trade in Greater Bombay, were broadly considered and discussed. It was decided that a draft outline of the proposed Scheme in this connection may be prepared. In the Sixth, Seventh, Ninth and Twelfth Meetings of the Committee, which were held on 9th October 1965, 28th October 1965, 13th November 1965 and 7th December 1965 respectively, the principles and important provisions of the draft Scheme for regulation of loading, unloading, etc., work and employment conditions of workers doing the said work in the iron and steel trade in Bombay were considered

and the draft scheme was finalised. In the Eighth Meeting of the Committee, which was held on 30th October 1965, questions concerning hours of work, overtime rate, weekly holidays, festival and public holidays, slips of weight of work, payment of wages, stacking work, accident benefits, wages of "Chawkidars", medical relief for accident injuries, sickness benefits and recognition of Unions, were considered and discussed and decisions in respect of most of the abovesaid matters were taken. In the Tenth, Eleventh and Thirteenth Meetings of the Committee, which were held on 20th November 1965, 27th November 1965 and 10th December 1965 respectively, matters relating to rationalisation of slabs of weights and revision of rates of wages for the different items of work, wages of "Chawkidars", recognition of Union, etc., were considered and necessary decisions taken thereon. In the Fourteenth Meeting of the Committee, which was held on 17th December 1965, the draft Report of the Committee was considered, finalised and signed.



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CHAPTER II

PRESENT POSITION

(N.B.—Information given in this Chapter is based on the material contained in the “Report on an Enquiry into Wages and Working Conditions of Employees engaged by Iron Merchants in Bombay”, prepared by the Office of the Commissioner of Labour, Bombay, the replies received from the parties to the Questionnaires of the Committee and the various Memoranda, Notes and Statements submitted to the Committee by the Associations of Employers, Trade Unions of Workmen and the “Tollies ”.)

1. *Introduction.*—There are about 500 to 600 Merchants/Stockists/Importers/Commission Agents/Brokers, etc. engaged in the iron and steel trade in Greater Bombay. Besides, there are some Re-Rolling Mills like those of M/s. Mukund Iron and Steel Works Ltd., and M/s. Krishna Steel Industries Pvt. Ltd., where the work of handling of iron and steel materials is done on a large scale. In addition, at the stockyards of certain main Producers like M/s. Tata Iron and Steel Co. Ltd., and M/s. Indian Iron and Steel Co., Ltd., work of handling of iron and steel materials is also done on a large scale. The majority of the Merchants/Stockists/Importers/Commission Agents/Brokers, etc., are the Members of either or both the Bombay Iron Merchants' Association, 49-A, Latif House, Sant Tukaram Road, Bombay-9 and the Iron, Steel and Hardware Merchants' and Manufacturers' Chamber of India, 403, Loha Bhavan, Frere Road, Bombay-9. The former Association has been registered as a Limited Company, under the Indian Companies Act, 1956. The latter Association is an unregistered body. While the former Association claims a total membership of 194 Members, the latter Association claims a total membership of 462 Members. There are eleven other smaller Associations of Merchants/Stockists/Importers/Commission Agents/Brokers, etc. directly or indirectly connected with or engaged in the iron and steel trade in Greater Bombay. The names and addresses of these eleven Associations of Merchants/Stockists/Importers/Commission Agents/Brokers, etc. are as follows :—

(1) All India Stainless Steel Importers' Association, 203, Himalaya House, Palton Road, Bombay-1,

(2) Iron and Steel Scrap Association of India, 515, Loha Bhavan, Bombay-9,

(3) Bombay Pipe and Fitting Merchants' Association, 84, Nagdevi Street, Bombay-3,

(4) Mills Gins Stores Merchants' Association, Nagdevi Street, Bombay-3,

(5) Maharashtra Registered Stockholders' Association, Iron Market, Carnac Bunder, Bombay-9,

(6) Bombay Iron and Steel Brokers Association, 1st Floor, Latif House, 250, Sant Tukaram Road, Bombay-9,

- (7) Hoosami Old Iron Merchants' Association, Darukhana, Bombay-10
- (8) All India Steel Re-Rollers' Association, C/o Mukund Iron and Steel Works Ltd., Agra Road, Kurla, Bombay-70,
- (9) Bombay Steel and Tube Organisation, Loha Bhavan, Bombay-9,
- (10) Bombay Registered Pipe Dealers' Association, 93A, Nagdevi Street, Bombay-3, and
- (11) Kharva Galli Association, Kharva Galli, Bombay-4.

It is estimated that about 2,500 "Lokhandi Jatha Kamgars" are employed in the iron and steel trade in Greater Bombay. Of these, some 1,800 workmen usually work in the "Lokhandi Jatha" at Sant Tukaram Road, Bombay-9 and the remaining 700 workmen work either under Mukadams or on a casual basis at other places in Greater Bombay, such as Darukhana, Kolsa Bunder, Docks, Railway Yards and elsewhere, where loading, unloading, bundling, etc. work of iron and steel materials is done. Out of these 1,800 workmen who work in the "Lokhandi Jatha", about 1,500 workmen are members of Gangs or "Tollies", since long. There are nine such Gangs or "Tollies" of the "Lokhandi Jatha Kamgars" in Greater Bombay. The names and addresses of these nine Gangs or "Tollies" are as under :—

- (1) Kantewala Tolli Samastha Mandli, C/o Khandelwal Brothers Pvt. Ltd., Lokhandi Jatha, Bombay-9 ;
- (2) Navi Tolli Samastha Mandli, C/o Abdul Latif and Company, Latif House, Lokhand Bazar, Bombay-9 ;
- (3) Mulji Haridas Tolli Samastha Mandli, C/o Jayantilal Devidas and Co., Lokhand Bazar, Bombay-9 ;
- (4) Panchvi Tolli Samastha Mandli, C/o Chhabildas Nandalal and Co. Lokhand Bazar, Bombay-9 ;
- (5) Juni Tolli No. 1 Samastha Mandli, C/o Steel Yard Pvt. Ltd., Lokhand Bazar, Bombay-9 ;
- (6) Juni Tolli No. 2 Samastha Mandli, C/o Amritlal Jinabhai and Co., Lokhand Bazar, Bombay-9 ;
- (7) Navi Tolli No. 2 Samastha Mandli, C/o Lokhandi Jatha Kamgar Union, Lokhand Bazar, Bombay-9 ;
- (8) Anandji Haridas Tolli Samastha Mandli, C/o Lokhandi Jatha Kamgar Union, Lokhandi Jatha, Bombay-9 ; and
- (9) Bundlewalla Tolli Samastha Mandli, Lokhand Bazar, Sant Tukaram Road, Bombay-9.

Each of the above said "Tollies" consists of between 50 and 300 "Lokhandi Jatha Kamgars". The majority of the "Lokhandi Jatha Kamgars" in Greater Bombay are the members of either the Lokhandi Jatha Kamgar Union, 230/32, Lokhandi Jatha, Sant Tukaram Road, Bombay-9 or the Transport and Dock Workers' Union, P. D'Mello Bhavan, Frere Road, Bombay-1. Both these Trade Unions are duly Registered Unions, under the Indian Trade Unions Act, 1926. While the former Trade Union claims to have a total membership of about 1,300 "Lokhandi Jatha Kamgars" from some seven "Tollies", the latter Union is said to have a membership of about 340 "Lokhandi Jatha Kamgars" from the remaining two "Tollies".

2. *Places of Work.*—Iron and Steel cargo is generally handled by the "Lokhandi Jatha Kamgars" at the following places in Greater Bombay, viz. at Godowns and Stockyards of Merchants/Stockists/Importers/Commission Agents/Brokers, etc. in the "Lokhandi Jatha", Darukhana and Kharva Galli, at the Railway Goods Yards at Wadi Bunder, Carnac Bunder, Byculia, Dadar, at the Docks, at the Stockyards of producers like M/s. Tata Iron and Steel Co. Ltd., and M/s. Indian Iron and Steel Co. Ltd., and in the premises of Re-Rolling Mills like M/s. Mukund Iron and Steel Works Ltd., Bombay and M/s. Krishna Steel Industries Pvt. Ltd., Bombay.

3. *Nature of Materials Handled.*—The materials handled by the "Lokhandi Jatha Kamgars" in Greater Bombay are iron and steel goods, usually comprising nuts and bolts, strips, bars (square and round), angle-bars, flat sheets, angles, channels, rails, plates, cisterns, beams, wire bundles, barbed wire bundles, cut-pieces, etc. Weights of these items vary from less than a kilo to more than 1,000 kilos, depending on the shape and size of the item.

4. *Items of Work Performed.*—The different items of work, which "Lokhandi Jatha Kamgars" are required to perform in the course of their employment, are loading, unloading, stacking, measuring or taping, bending, weighing and bundling. A brief description of each of the abovesaid items of work is given below :—

(a) *Loading.*—This means to load the cargo from the Godowns into the vehicles of transport, such as truck, bullock cart or hand-cart, or from the vehicle of transport into the Railway Wagon or from the Railway Yards into the Railway Wagon or into the vehicle of transport ;

(b) *Unloading.*—This means to unload the cargo from the Ship, Railway Wagon or vehicle of transport into the godown or the stockyard or another vehicle of transport ;

(c) *Stacking.*—This means to properly arrange the unloaded goods into suitable piles either in the godowns or in the stockyards ;

(d) *Measuring or Taping.*—This means to measure the dimensions of pipes, before they are loaded for transport. Mostly, this operation is involved in respect of pipes and is linked with the subsequent operation of loading ;

(e) *Bending*.—This means to bend or fold the strips or bars into two, before they are loaded for transport. This operation is necessary in cases where the strips or bars are of more than 20 feet in length, with a view to facilitating their transport. Bending operation takes place in respect of a strip or bar of a maximum diameter of 2 inches ;

(f) *Weighing*.—This means to weigh the cargo either at the Mechanical Weigh Bridges at the Docks or Railway Goods Yards or at the ordinary scales of the Merchants (if the weight of the cargo is within 1,000 kilos) ;

(g) *Bundling*.—This means to tie up together two or more strips or bars of iron or steel with thin pieces of wire, with a view to facilitating their transport. This operation is usually involved where the strips or bars are thin in size. This work is done by a specialised "Tolli" known as the "Bundlewala 'Tolli' Samastha Mandli". The thin wires used for tying up together the strips or bars are bought by the "Tolli" itself and no payment for the same is made by the Merchants.

5. *Method of Performance of Work*.—Like the "Mathadi" workers, who physically handle their jobs, the "Lokhandi Jatha Kamgars" also mostly perform their work by handling the iron and steel cargo through their own physical strength. It is only in cases where the cargo weighs over 1,000 kilos that cranes are hired by the Merchants to handle the materials. Even in such cases, some "Lokhandi Jatha Kamgars" are required for attending to the slings of the cranes and for other incidental work. The main difference between the work-performance of the "Mathadi" workers and the "Lokhandi Jatha Kamgars" is, however, that while the former handle their cargo of foodgrain bags by lifting them on their necks and backs, the latter handle the iron and steel materials by lifting them on their heads, shoulders or by their hands. In stacking operation, the "Lokhandi Jatha Kamgars" have, at times, to lift the cargo with their hands to a considerable height above their heads. The cargo handled by the "Lokhandi Jatha Kamgars", being iron and steel materials, is heavier than the cargo of foodgrain bags, which are handled by the "Mathadi" workmen. Moreover, the cargo of iron and steel materials, which is handled by the "Lokhandi Jatha Kamgars" is of different shapes and sizes, unlike to cargo of foodgrain bags that are handled by the "Mathadi" workmen, which is normally of a uniform shape and size. Hence, the work of the "Lokhandi Jatha Kamgars" is more difficult and of a more strenuous nature than that of the "Mathadi" workmen.

6. *System of Work*.—Since long, i.e. for a period of well over 60 years, the "Lokhandi Jatha Kamgars" have been working under the Gang or "Tolli" system of work. The main feature of this system is that each Gang or "Tolli" works for certain fixed Merchants/Stockists/Importers/Commission Agents/Brokers, etc., throughout the year, under a traditional arrangement with them. On account of this arrangement, the Merchants/Stockists/Importers/Commission Agents/Brokers, etc., have to get their work done through their fixed Gangs or "Tollies" and they are not allowed to give their work to any other Gang or "Tolli" or other "casual" workmen and

vice versa. It appears from evidence that some of the "Tollies" have permanent arrangements for work with as many as 80 Merchants while others have about five Merchants who give them work. It is clear from evidence before the Committee that there is considerable inequality in the distribution of work and consequently of earnings amongst the different "Tollies".

7. *Nature of Work*.—A significant feature of the nature of work performed by the "Lokhandi Jatha Kamgars" is that their work is not of a continuous nature. It is of an intermittent nature. The availability and volume of work generally depends upon the arrival and departure of Railway Wagons or Trucks, on which or from which iron and steel cargo is required to be either loaded or unloaded. There are periods when the members of a "Tolli" have rush of work on hand and are required to work for long hours and, at times, have even to employ "casual labour" to complete the work. There are other periods, when the "Lokhandi Jatha Kamgars", particularly those belonging to smaller "Tollies", are required to wait for days or hours together, for work. Apart from this, even when there is work on hand, the "Lokhandi Jatha Kamgars" have very often, to spend some "waiting time" before the actual commencement of work. This "waiting time" is necessitated on account of the unforeseeable arrival or departure of the cargo and due to the completion of the necessary formalities in regard thereto, before the same could be actually handled by them. On a rough estimate, three to four hours per day, on an average, are spent by the "Lokhandi Jatha Kamgars" in "waiting" for work. Since, the "Lokhandi Jatha Kamgars" are paid on a piece-rated system, based on the weights of the cargo handled, they do not, at present, get any wages or compensation for the "waiting time" spent by them, which may sometimes extend to the whole day.

Another important feature of the nature of work done by the "Lokhandi Jatha Kamgars" is that the workmen work for different employers on different days and, at times, even on the same day, depending upon the volume of work available on the said day or days from the various employers to which their "Tollies" are attached. A third noticeable trait of the nature of work of the "Lokhandi Jatha Kamgars" is that the same workers do not work for one employer all the year round. As it would be seen from the succeeding paragraphs, since the workmen work under the "Tolli" system, they are assigned to the different employers for work by the Mukadams, according to the exigencies of work on hand. Change of workmen is, at times, also necessitated due to the fact that the workmen proceed on leave to their native places. In such cases, either the workmen returning from their native places or "casual labour" are substituted by the Mukadams in places of the workmen proceeding on leave. All these special features relating to the nature of work performed by the "Lokhandi Jatha Kamgars" have an important bearing on the employer-employee relationship between the parties, as would be seen from the relevant paragraph that follows.

8. *Working of the "Tollies"*.—Each "Tolli" has an elected head known as the "Mukadam". The "Mukadam" is usually a senior workman. The "Mukadam" is responsible for getting work for the members of his "Tolli"

and for distributing wages to them. For the purposes of maintenance of accounts, records and registers, as also for correspondence work, each "Tolli" usually has a part-time Clerk-cum-Accountant. In addition, for the purposes of collection of Bills from the Merchants, some of the "Tollies" also engage part-time Bill Collectors. The expenses of the Clerk-cum-Accountant and the Bill-Collectors are borne equally by the members of the "Tolli", from the wages earned by them each month. Each "Tolli" is a well organised Unit, having an office, which is generally located in the office premises of one of the Merchants to which it is attached. A regular muster-roll, a wage-register and Account Books are maintained. The records and registers maintained by the "Tollies" are usually well-kept and up-to-date. At times, some of the "Tollies" assign some of their members to the Merchants for working with them as "Chawkidars". This is usually done by the "Tollies", with a view to maintaining good relations with the Merchants and thereby ensuring regular flow of work from them. The work of these "Chawkidars" is generally to keep a watch over the iron and steel materials in the godowns or stockyards of Merchants and to do such odd jobs as cleaning the premises of the Merchants, filling drinking water, running errands, etc. These "Chawkidars" are understood to be paid nominal wages by the Merchants, for the services rendered by them. The "Chawkidars", in addition to rendering sundry services to the Merchants, also work along with the other members of their "Tolli", whenever required. The "Chawkidars" pool the wages received by them from the Merchants, with the other members of their "Tolli", and share each month equally the wages earned by the "Tolli", like the other members of their "Tolli".

The Mukadam or his assistants, who are usually senior workers, contact the Merchants each evening and obtain from them instructions as to the availability of the work for the next day and also collect from them the necessary particulars such as the place of work, the volume of the work and the nature of operations to be performed. Thereafter, the Mukadam arranges for the distribution of the said work amongst the members of his "Tolli", at the different places where the work is required to be performed, in accordance with the volume of work and nature of the operations involved at each place. On completion of the work at all the places, the Mukadam reports to the Merchants the fact of having done so and makes arrangements to get the same recorded by the Merchants. The total earnings of the "Tolli" are pooled together each month and are distributed equally amongst the members of the "Tolli" at the end of the month, according to the attendance of the members in the Muster-Roll during that month, after equally deducting expenses on account of salaries of the Clerk-cum-Accountant and Bill-Collectors and expenditure on account of travelling, telephone and such other sundry charges of the members. A significant thing to be noted in this respect is that the Mukadam receives the same share as wages as any other member of the "Tolli". He does not receive any extra remuneration or larger share for being the head of the "Tolli", as happens in the case of some other "Mathadi" workers.

9. *Rates of Wages.*—The work of handling iron and steel cargo is traditionally being done by the “Lokhandi Jatha Kamgars” on a piece-rated basis. The rates of wages are based on the slabs of weights of the different items of work. According to the Associations of the employers and some Merchants, the existing wage rates for handling iron and steel materials in the “Lokhandi Jatha” are as under:—

Slabs of Weights (kgs.)				Existing Rates of Wages (Rupees per 1,000 kgs.)
50—150	..	..	..	1·37
150—400	..	..	..	2·75
400—1,000	..	..	..	5·50

However, according to the workmen and their Trade Unions, the present wage rates in the “Lokhandi Jatha” are as follows :—

Slabs of Weights (kgs.)				Existing Rates of Wages (Rupees per 1,000 kgs.)
50—150	..	..	..	1·37
150—300	..	..	..	2·75
300—450	..	..	..	4·13
450—600	..	..	..	5·51
600—750	..	..	..	6·88
750—1,000	..	..	..	10·22

The abovesaid wage rates, it may be noted, are claimed by the parties to be payable by the Merchants/Importers/Stockists/Commission Agents/Brokers, etc., only. The *Customers* of the Merchants/Stockists/Importers/Commission Agents/Brokers, etc., have to pay an *extra charge of 25 per cent.* over the abovesaid wage rates. It may further be clarified that the abovesaid prevailing wage rates are inclusive of the 25 per cent. wage increase given in October 1962, at the instance of Shri Homi J. H. Taleyarkhan, the then Minister for Civil Supplies, Maharashtra, Bombay and the 10 per cent. interim relief granted from August 1964, at the instance of the Commissioner of Labour, Bombay. The existing wage rates at other places of work, such as at the Re-Rolling Mills of Messrs. Mukund Iron and Steel Works Ltd. and Messrs. Krishna Steel Industries Pvt. Ltd., at the Stockyards of Messrs. Tata Iron and Steel Co. Ltd., at Darukhana and at the various Railway Yards in Greater Bombay are not uniform but are different for the various items of work. Likewise, the present wage rates for some of the other items of work, such as weighing,

bending stacking, etc., are also not uniform throughout Greater Bombay. Statements showing the prevailing rates of wages for the different items of work in the iron and steel trade at the various places in Greater Bombay, based on the information furnished by (A) (1) the Bombay Iron Merchants' Association, Bombay and (2) the Iron, Steel and Hardware Merchants' and Manufacturers' Chamber of India, Bombay, (B) (1) the Lokhandi Jatha Kamgar Union, Bombay and (2) the Transport and Dock Workers' Union, Bombay, (C) seven "Tollies" of "Lokhandi Jatha Kamgars" and (D) forty-six Individual Merchants/Importers/Stockists/Commission Agents/Brokers, etc., are attached herewith and marked Annexures "O", "P", "Q" and "R" respectively.

It appears from the replies to Questionnaires of the Committee and oral evidence of witnesses that the larger and older Merchants in the "Lokhandi Jatha" pay on the basis of 3 slab system, while the smaller and more recent business houses in the "Lokhandi Jatha" pay on the basis of 6 slab system whose rates in some slabs are higher than the 3 slab rates. It is the complaint of the "Lokhandi Jatha" Merchants that these very "Tollies" who charge high rates to them, work for much lower rates for contractors like Messrs. Guzdar and Company and for Re-Rollers like Messrs. Mukund Iron and Steel Works Ltd., and Messrs. Krishna Steel Industries Pvt. Ltd., The Committee is convinced from the evidence that whether in the "Lokhandi Jatha" or outside, where the quantity of work available from a Merchant or Stockist is very large, the "Tollies" do show some concession or reduction in rates of the 6 slab system that they receive from smaller Merchants and with a 25 per cent. surcharge from the Customers.

10. *Earnings of the "Lokhandi Jatha Kamgars".*—As per the evidence on record, there seems to be no unemployment or under-employment amongst the "Lokhandi Jatha Kamgars" in Greater Bombay. The workmen get a normal day's work practically throughout the year. However, as has been seen earlier, the workmen have to spend some amount of "waiting time" each day, which is not paid for, at present. The average monthly earnings of the "Lokhandi Jatha Kamgars" according to the Associations of Employers range between Rs. 12 and Rs. 15 per day or between Rs. 300 and Rs. 400 per month whereas according to the Trade Unions of the workmen, the said earnings are between Rs. 130 and Rs. 160 only per month. However, as per the information furnished by the seven "Tollies", relating to their earnings during the period January 1964 to June 1965, the average monthly earnings of the "Lokhandi Jatha Kamgars" during the said period works out to between Rs. 113.42 per month and Rs. 209.66 per month. Further, as per the said information, the maximum and minimum earnings per month of the "Lokhandi Jatha Kamgars" was Rs. 306.50 in November 1964 and Rs. 76.37 in September 1964. Statements showing (1) the average earnings per month per member, during the period from January 1964 to June 1965, in respect of each of the seven "Tollies", which furnished

the relevant information and (2) the maximum and minimum earnings per month per member, during the period from January 1964 to June 1965, in respect of the seven "Tollies" which supplied the necessary information, are attached herewith and marked Annexures "S" and "T" respectively. It will be seen from the information contained in the said statements that the average monthly earning of a "Lokhandi Jatha Kamgar" in Greater Bombay is well over Rs. 150 per month. But these earnings do not include the earnings from Customers. According to the employers, the earnings from the Customers are over 30 per cent. of those from the Merchants. According to the workers, their earnings from Customers are only 20 per cent. Even if this is accepted as correct, the monthly average earnings of the workmen come to about Rs. 180.

11. *Hours of Work*.—As has been stated earlier, the nature of work of the "Lokhandi Jatha Kamgars" is not continuous but is intermittent and is dependent upon the arrival and departure of cargo. As such, the hours of work of the "Lokhandi Jatha Kamgars" are not fixed. According to the workmen, their hours of work are usually from about 7-00 a. m. in the morning till about 11-00 p. m. in night. On the other hand, according to the employers the hours of work of the workmen are generally between 9-00 a.m. in the morning and 7-00 p.m. in the evening. The work being of an intermittent nature, there is no specified lunch hour. Lunch is usually taken by the workmen whenever they have time for the same and whenever they are not actually engaged at work. Whenever there is rush of work the workmen take lunch in small groups and by rotation.

12. *Overtime Work*.—The normal hours of work of the "Lokhandi Jatha Kamgars" being unspecified, no work can be called overtime work. As such, the workmen, at present, are not entitled to any extra wages for any overtime work. They are paid wages, at the prescribed rates, for the quantum of work done by them, irrespective of the number of hours worked by them or the lateness of the hour.

13. *Weekly-off*.—Sundays are generally observed by the Merchants/Stockists/Importers/Commission Agents/Brokers, etc., as also by Messrs. Tata Iron and Steel Ltd., Messrs. Indian Iron and Steel Co. Ltd., Messrs. Mukund Iron and Steel Works Ltd., Bombay and Messrs. Krishna Steel Industries Pvt. Ltd., as a weekly-off day. Their offices are generally kept closed on this day. However, very often, their godowns or stockyards are kept open on Sundays, for loading, unloading, stacking, bundling, etc., work. On Sundays, it is claimed by the employers, work is generally undertaken by the workmen in their own interest and for their own conveniences. The workmen, however, say that they are compelled by the employers to work on Sundays in view of the exigencies of work and with a view to avoiding payment of demurrage charges, etc., to the Railways. Whatever may be the correct position in this behalf,

the fact remains that no extra payments are paid by the employers to the workers for working on Sundays. Whenever work is done on Sundays, generally a representative of the employers, such as a Clerk or "Mehtaji" remains present for keeping a note of the quantum of work done. There are however, cases where no representative of the employers is present, when work is being done on Sundays. These are cases in which the mutual relationship between the employers and the workmen is highly cordial and of mutual trust.

14. *Festival and Public Holidays.*—According to the Employers, the business offices of the Merchants are generally kept closed on all festival and public holidays each year. According to them, the number of such festival and public holidays are about 20 days or so per year and no work is normally assigned by them to the "Lokhandi Jatha Kamgars" on these holidays. However, at times, in view of the exigency of the work, some of the employers do allot some work to the "Lokhandi Jatha Kamgars" on these festival and public holidays. Such work according to the employers, is generally undertaken by the "Lokhandi Jatha Kamgars" of their own free-will and in their own interest. The "Lokhandi Jatha Kamgars" are paid wages for work on these festival and public holidays at the usual rates and no extra payments whatsoever are made to them for the work on these festival and public holidays. According to the workmen, even though the business premises of the Merchants are generally kept closed on festival and public holidays, they are usually required to work in the godowns or stockyards of their employers on festival and public holidays, as there is almost always some urgent work or the other to be done on those days. This urgent work, according to the workmen, is generally due to the unpredictable arrival or departure of cargo by Ships, Railways or other means of transport. In such cases, according to the workmen, the employers very often compel them to work on festival and public holidays, with a view to avoiding payment of demurrage charges. Even when there is no urgent work, according to the workmen, they are usually assigned stacking, etc. work by the Employers on festival and public holidays, as, according to them, this is the best time at which such work could be done in an uninterrupted manner. According to the workmen, the only festival holiday, which they enjoy in a year, is the "Tukaram Beej" Festival ("Fagun Vad 2."). On this particular day, according to the workmen, no work whatsoever is undertaken by them, excepting in extremely emergent situations. The entire day, according to the workmen, is devoted by them towards the celebration of the "Tukaram Beej" festival.

15. *Leave.*—It is the general practice amongst the "Lokhandi Jatha Kamgars" to proceed to their native places about twice a year. Usually, the total period of absence varies from 15 days to about two months each year. The workmen usually proceed to their native places for attending to either agricultural affairs or domestic work thereat. The workmen are not paid any leave wages either by their employers or by their "Tollies". The entire period of this absence is without wages. The only benefit, which the workmen enjoy in this respect, is that their membership of the "Tolli" continues. Whenever

they return from their native places, they are entitled to work in their "Tollies", as before. Generally, the workmen proceed to their native places, in groups, by rotation. When one group returns, another group proceeds, and so on. In this way, the total number of workmen actually at work in any "Tolli" is nearly constant. This system ensures the smooth day to day working of the "Tollies".

Apart from the abovesaid longer periods of absence on account of proceeding to the native places, the workmen also enjoy what may be called absence on account of emergent circumstances or illness. Such absence is, however, on loss of pay and the workmen are not paid any wages for absence on account of urgent work or illness either by the employers or by their "Tollies". The workmen, however, are entitled to wages for the period of their illness and convalescence in case they are injured while on duty. In such cases, the injured workmen are paid full wages (and also given medical relief) by their "Tollies". No wages and/or compensation are, however, paid to injured workmen by the Employers.

16. *Accident Compensation.*—In case a "Lokhandi Jatha Kamgar" is injured on account of an accident while at work, he is not paid any accident compensation by his employer. Some of the employers, at times, however, on humanitarian grounds, render some medical relief and give some monetary assistance to the injured workmen. The general practice in this behalf is that the injured workman is attended to and cared for by his "Tolli". He is not only paid his full wages, like any other member of his "Tolli", for the entire period of his convalescence but he is also paid the entire medical expenses involved. Not only this, one member of his "Tolli" is deputed by the Mukadam of his "Tolli" to attend on him and this attendant workman is also paid full wages by the "Tolli", for the period he attends on the injured workman. The injured workman, however, does not get any lump sum compensation, like the industrial workers, either from his employer or from his "Tolli". Recently, it is learnt, a few injured workmen, at the instance of their Trade Unions, have filed some compensation claims, under the Workmen's Compensation Act, 1923, before the Commissioners for Workmen's Compensation, Bombay. The result of these cases are, however, not yet known.

17. *Sickness Benefits.*—The "Lokhandi Jatha Kamgars" do not get any sickness benefits, in case they fall ill, either from the employers or from their "Tollies". In case, a workman is sick, he may absent himself from work during the period of his illness, but he is not paid for that either by his "Tolli" or by the Merchants. He has to make his own arrangements for medical treatment and maintenance during the period of his illness.

18. *Bonus.*—At present, no annual Bonus—either profit sharing or incentive—is received by the "Lokhandi Jatha Kamgars" either from the employers for whom they work or from the "Tollies" with which they work. The "Tollies" are unable to pay any bonus to its members because it distributes the amounts received from the employers equally amongst its members each month, after deducting necessary expenditure incurred. At the time of the

"Diwali" festival, however, it is learnt, some of the employers do pay some *ex-gratia* amounts of Rs. 5 to Rs. 10 to the "Tollies", with a view to maintaining harmonious relationship with them. This *ex-gratia* amount is equally shared by the members of the "Tolli".

19. *Living Conditions*.—The bulk of the "Lokhandi Jatha Kamgars" generally reside in the godowns of the Merchants/Stockists/Importers/Commission Agents/Brokers, etc., in the "Lokhandi Jatha" at Sant Tukaram Road, Bombay. These godowns are usually unhygienic, ill-ventilated and poorly-lit. The godowns being intended for storing goods are unfit for human habitation. Very often, the workmen have to keep their petty personal belongings on the heaps of iron and steel materials lying in the godowns and to sleep on improvised beds spread on them. Such of the workers, who cook their meals in the godowns, do their cookings in unoccupied parts or corners of the godowns. Most of the workmen, however, take their meals in "Khanawals" near about the godowns. Breakfast, tea and refreshments are also generally taken by the majority of the workmen in canteens or restaurants in the vicinity of the godowns. For bathing and washing purposes and for answering calls of nature, the workmen almost invariably use the few municipal taps and latrines provided in the "Lokhandi Jatha" area. In view of the abovestated residential situation, most of the workmen are forced to stay "single" in Bombay and keep their families at their native places. This is perhaps one of the reasons why the workmen frequently proceed to their native places. In the opinion of the Committee, the present housing and living conditions of the workers are most unsatisfactory and call for immediate consideration and improvement. The godowns of the Merchants are not constructed or intended for human habitation. They have naturally no sanitary arrangements. Yet, such a large number of "Lokhandi Jatha Kamgars" manage to live in them from day to day for years. Apart from the danger to their physical health, these are not conditions which will help the workers to regard themselves as respectable citizens. That is why the Committee has recommended a special provision and fund for providing housing facilities to the workmen in the "Scheme" for regulation of employment and welfare of the workmen, which the Committee has recommended under Chapter V, Part II of its recommendations.

20. *Employer-Employee Relationship*.—Under the present system of work, the employers do not have any direct contact with the "Lokhandi Jatha Kamgars". Their only contact with the workmen is through the Mukadams of the "Tollies", with whom they have long standing arrangements for handling their iron and steel cargo. Even wages are not directly paid by the Merchants to the workers. All payments are made to the workmen through the Mukadams of the "Tollies", who prepare the Bills of the work done by the members of their "Tolli" each month, submit them to the employers and, after having received necessary payments from the employers in lump sum, arrange to disburse the same equally amongst the members of their "Tolli". Not only this, the employers, at present, do not exercise active or formal supervision and control over the work of the "Lokhandi Jatha Kamgars". The supervision and control is generally exercised either by the Mukadam

of the "Tolli" or his nominee, who is usually a senior member of the "Tolli". The representative of the employer, such as a Clerk or a "Mehtaji", who may be present at the time the cargo is being handled by the workmen, is generally there only for recording the quantity and description of the work done by the workmen. Apart from this, the "Lokhandi Jatha Kamgars" work for different employers on different days, according to the availability of work with them. At times, they even work for different employers on the same day. The same workers also do not work for the same employers throughout the year. A worker may work for one employer today and another employer tomorrow, as per the directions of the Head of his "Tolli". In view of the abovesaid position, it would be seen that, at present, there is no continuous employer-employee relationship between the "Lokhandi Jatha Kamgars" and the employers, viz. Merchants/Stockists/Importers/Commission Agents/Brokers, etc., for any specified period. The employer-employee relationship is there between the workmen and the employers only for the short period that the workmen are at work for the employers. Such relationship is generally intermittent and the same usually comes to an end within a few hours, as soon as the work on hand is completed by the workmen.

21. *Applicability of Labour Laws.*—If the "Lokhandi Jatha Kamgars" were regular full-time employees of the Merchants in the "Lokhandi Jatha", they would be governed by the provisions of the Bombay Shops and Establishments Act, 1948. But, the definition of an employee under section 2(6) of that Act is as follows:—

"Employee" means a person *wholly or principally employed*, whether directly or through any agency, and whether for wages or other consideration, in or in connection with any establishment, and includes an apprentice, but does not include a member of the employer's family.

However, the "Lokhandi Jatha Kamgars" are neither wholly nor principally employed by any one employer and so they do not come within the scope of the definition of "employee" under that Act. So the benefits of overtime, paid weekly holiday, leave, etc., under that Act are not available to them. The "Lokhandi Jatha Kamgars" working in the factories or the premises or precincts of a factory may fall under the definition of a "worker", under section 2(1) of the Factories Act, 1948. But even under this Act, their work not being continuous or for any consecutive number of days for the same employer, they do not get the benefits of privilege leave, overtime, etc., under that Act.

For the abovesaid reasons, these workers cannot get the advantage of the Employees' Provident Funds Act, 1952 or Employees' State Insurance Act, 1948. These workers cannot get the benefit of the Minimum Wages Act, 1948 because they do not fall under any "Scheduled Employment" under that Act. They are also not entitled to retrenchment compensation or lay-off compensation under the Industrial Disputes Act, 1947.

Any special benefits of Labour Legislation, i.e. those of fixed hours, overtime, weekly holiday with or without wages, can only be secured to the "Lokhandi Jatha Kamgars" by collective Agreement or bargaining or by special legislation. But the Agreement will be binding only on the parties to the Agreement. Thus, in the present case, the two Associations and the two Trade Unions, who are represented on the Committee, have agreed to accept the majority recommendations of this Committee as binding on them. But, if those recommendations are to be extended to other employers and workers, who are not members of either Association or Union, Government will have to devise ways and means to implement the same on uniform basis for all employers and workers.

With regard to the question of payment of compensation to the workers for any physical injury or death suffered by them, from any accident during the course of their loading and unloading work, it is the view of almost all the Merchants that the "Lokhandi Jatha Kamgars" are not their employees and so they are not liable under the Workmen's Compensation Act, 1923. It has already been seen earlier that some of the Merchants pay some small *ex-gratia* amounts to the workers by way of medical expenses for such injuries. It also appears from the evidence before the Committee that Messrs. Guzdar and Co., pays the full medical expenses of the workers for such injuries.

As regards the "Lokhandi Jatha Kamgars", the evidence from their side is that such an injured worker, so long as he is unable to attend work, is paid full wages as if he is on duty and, in addition, the person who attends on him during his illness also gets the same wages.

The Committee could not secure any decision of the Commissioners for Workmen's Compensation with regard to the "Lokhandi Jatha Kamgars". We were informed that some cases of "Lokhandi Jatha Kamgars" are pending in the Courts of the Commissioners for Workmen's Compensation. From the decisions in these cases, it will be known whether the view of the Merchants is correct.

But, for the present, from the provisions of the Workmen's Compensation Act, and the decided cases, it appears to the Committee that the view of the Merchants, with regard to their liability under the Workmen's Compensation Act, is not correct.

This view of the Merchants is based on the assumption that the "Lokhandi Jatha Kamgars" are not their employees, but independent Contractors. Two reasons are given for this view. One is that the "Tolliwallas" are not paid on daily rate or monthly rate, but on a piece rated basis. Now, it is not correct that all piece-rated workers are contractors. An employee may be paid wages on time-rate or piece-rate, accordig to the custom or contract of employment. This can be seen from section 18(3) of the Bombay Shops and Establishments Act, where a piece-rated employee is also entitled to a weekly holiday with wages and in the case of a piece-rated employee, the average of his weekly earnings are taken. The second and the stronger argument is that the Merchants only deal with the Mukadam. They tell him the

work to be done and pay him according to the settled rates, when it is done. They are not concerned with the number of workers, he brings or the amount he pays to each worker. Now, it is clearly established by evidence—both oral and documentary—produced before the Committee that the amount received for the loading and unloading work from the Merchants is credited in the Account-Books of the particular “Tolli”; the “Tolli” also keeps a Register of Attendance for every day and at the end of the month, the total earnings, after deducting the expenses, are divided according to the attendance of each worker during that month. In this respect, no distinction is made in the share of the Mukadam and the other workers. All are regarded as members of the “Tolli”. This shows that the Mukadam is only a spokesman of the particular batch or gang of the “Lokhandi Jatha Kamgars”, who are asked to do a particular job of loading and unloading by a Merchant. As the labour charges are fixed according to the quantity of work done and not according to the number of workers, who do the job or the length of time required by them for the job, it is easier and simpler to deal with one man, the Mukadam, than with several men individually. Otherwise, the position of the Mukadam *vis-a-vis* the work and the remuneration is exactly the same as that of any other member of his gang put on the job.

The above said view of the Committee is also supported by decided cases, having similar facts and circumstances. Thus, in a case decided by the Madras High Court, *Arumugham v. Nagammal* (A. I. R. 1949 Mad. 452), a contractor had a contract to unload wagons. He employed a mistri, who worked under him and engaged coolies, whom he paid a fixed sum for unloading each wagon keeping a portion for himself for each wagon. One of the coolies so employed met with an accident while engaged in unloading a wagon and died. It was held by the Madras High Court that the widow of the coolie was entitled to receive compensation from the Contractor.

In another case, *Ramaswami v. Poonugavanam* (A. I. R. 1954 Mad. 218) a coolie was employed by a firm of clearing agents who were doing the work of transporting oil barrels from the railway station to the warehouse of a Merchant. The coolie was paid wages by the clearing agents who received fixed charges at a certain rate from the Merchant. While carrying the oil barrels in a hand-cart to the warehouse, the barrels slipped and the coolie received a serious injury to his leg. The High Court held that the Merchant was liable to pay compensation to the coolie.

The Committee is, therefore, of the view that, under the provisions of the Workmen's Compensation Act, 1923, the Merchants are liable for payment of compensation for physical injuries or death suffered by a “Lokhandi Jatha Kamgar”, during the course of his work of loading and unloading.

CHAPTER III

THE CASE OF THE WORKMEN

Briefly stated, the case of the "Lokhandi Jatha Kamgars", is for upward revision in their existing wage rates and for improvement in and regulation of their present employment conditions. The detailed demands of the workmen in this behalf are mainly contained in the Circular letters dated 6th February 1965, from the Lokhandi Jatha Kamgar Union, Bombay, to (1) the Bombay Iron Merchants' Association, Bombay and (2) the Iron, Steel and Hardware Merchants' and Manufacturers' Chamber of India, Bombay (and copies to the individual Merchants/Stockists/Importers/Commission Agents/Brokers, etc. engaged in the iron and steel trade in Greater Bombay) (*vide* Annexure "A"). Some of the demands of the workmen are also contained in the Memoranda submitted to the Committee by (1) the Lokhandi Jatha Kamgar Union, Bombay and (2) the Transport and Dock Workers' Union, Bombay. These demands are as follow :—

(1) *Revision of Wage Rates.*—The existing wage rates shall be revised as under :—

Slabs of Weights (Kgs.).		Rates of wages (Rupees per 1,000 kgs.).	
50—150	2.00
150—300	4.00
300—450	5.00
450—600	7.00
600—750	10.00
750—1,000	12.50
Bending	4.00
Tapping with Loading	4.00
Cut-pieces	2.50
Bundling (Bars)	0.62
Bundling (Pieces)	0.75
Barbed Wire Bundle	0.10

N.B.—(i) If trucks are not provided for loading work at Docks, Carnac Bunder and Wadi Bunder Goods Sheds, double the ordinary rates of wages shall be payable to the workmen ;

(ii) If loading and unloading work is done by Crane, the workers shall be paid at the rate of Rs. 1.50 per 1,000 kilos ;

(iii) If workers are sent out for loading, unloading, etc. work and if they are required to spend the whole day there without any work, they shall be paid wages at Rs. 6 per day ;

(iv) The Customers of the Merchants shall pay 25 per cent. extra wage-rates for the abovesaid items of work.

(v) The abovesaid wage-rates shall be at 500 points of the Bombay Consumer Price Index Number (Base-year 1934=100 points). For every increase of 50 points above 500 points in the Bombay Consumer Price Index Number, the abovesaid wage-rates shall be increased by 10 per cent.

(2) Wages of "Chowkidars".—The minimum wage of a "Chowkidar" employed by the Merchants/Stockists/Importers/Commission Agents/Brokers, etc. shall be Rs. 150 per month.

(3) Hours of Work.—The normal hours of work in the "Lokhandi Jatha" and at other places in Greater Bombay, where handling of iron and steel cargo work is being done, shall be from 8-00 a.m. to 6-00 p.m.

(4) Overtime Rates of Wages.—If the workmen are required to perform any work beyond the abovesaid normal hours of work, they shall be paid for the same at 1½ times the ordinary rates of wages. However, any work on hand during the abovesaid normal hours of work, will be continued and completed by the workmen by working even beyond the above-stated normal hours of work and payment for the said work may be made to them at the ordinary rates of wages ;

(5) Weekly Holiday.—Sunday should be a weekly holiday for the workmen. However, if work is taken from the workmen on Sundays, they should be paid for the said work at 1½ times the ordinary rates of wages.

(6) Festival and Public Holidays.—The workmen shall get all festival and public holidays, numbering about 20 or so, observed by the Merchants/Stockists/Importers/Commission Agents/Brokers, etc. each year. However, if work is taken from the workmen on these festival and public holidays, they shall be paid for the said work at 1½ times the ordinary rates of wages.

(7) Slips of Weights of Work Done.—The Merchants/Stockists/Importers/Commission Agents/Brokers, etc. shall give slips containing the exact weights of the work done by the workmen each day, within three days from the day on which work is done by the workmen. If no such slip is given to the workmen within the stipulated time, the approximate weights given by the workmen should be acceptable to the Merchants.

(8) *Payment of Wages.*—The necessary payments for the work done during a particular month shall be made to the workmen on or before the 7th of the following month.

(9) *Stacking Work.*—The workmen shall not be required to stack goods beyond a height of 6 feet.

(10) *Accident Benefits.*—If a workman is injured while on duty, he shall be provided by the Merchant concerned with the necessary medical facilities and expenses therefor and he shall also be paid adequate compensation for the same, as per the Workmen's Compensation Act, 1923 ;

(11) *Sickness Benefits.*—The workmen shall be entitled to sickness benefits, for 15 days every year, at the rate of Rs. 5 per day. A medical dispensary shall also be opened in the "Lokhandi Jatha" area for the benefit of the workmen.

(12) *Bonus.*—All workmen engaged in the iron and steel trade in Bombay shall be paid adequate bonus by the concerned Merchant/Stockists/Importers/Commission Agents/Brokers, etc. in the said trade in Bombay.

(13) *Application of Labour Legislation.*—All labour legislation, such as the Industrial Disputes Act, 1947, the Bombay Shops and Establishments Act, 1948, the Payment of Wages Act, 1936, the Workmen's Compensation Act, 1923, etc. shall be made applicable to the workmen.

(14) *Recognition of Union.*—The Union enjoying the confidence of the majority of the workmen in the iron and steel trade in Greater Bombay shall be recognised by the Merchants/Stockists/Importers/Commission Agents/Brokers, etc., in the said trade, as the sole bargaining agent of the said workmen.

(15) *Regulation of System of Employment.*—The system of employment of the workmen should be regulated through a Tripartite Labour Board, which should be specially set up for the purpose, on the lines of the "Dock Labour Board" ; and

(16) *Existing Privileges.*—None of the existing privileges enjoyed by the workmen shall be either removed, reduced, or curtailed, as a consequence of the abovesaid demands of the workmen.

It may be relevant to mention here that the abovesaid demands of the workmen have not, as yet, been settled. The Agreements dated 8th October 1964 and 21st October 1964 respectively between the parties (*vide* Annexures 'B' and 'B-1' respectively) provide only for an interim relief in respect of the demand of the workmen concerning revision in wage-rates

and lay down a procedure for the settlement of the remaining demands of the workmen. In fact, it is these two Agreements, which provide for the settlement of the abovementioned demands of the workmen by this Committee. This is how this Committee is seized with the abovesaid demands of the workmen.

The justification given by the workmen, in support of their abovesaid demands, are contained in the Memoranda submitted to the Committee by the two Trade Unions of the workmen and the evidence given by the representatives of the workmen before the Committee. The list of the workmen's contentions, in substantiation of their abovestated demands, is as under :

(1) *Revision of Wage-Rates.*—The existing wage-rates of the workmen have not been fixed on any scientific or rational basis but on an *ad hoc* basis only. In the year 1956, the rates of wages were for the first time specified, on an *ad hoc* basis, through written arrangements between some of the Merchants and some of the "Tollies". In October, 1962, as a result of an agitation of the workmen, an *ad hoc* increase of 25 per cent. in the then prevailing wage-rates was obtained by the workmen, through the intervention of Shri Homi J. H. Taleyarkhan, the then Minister for Civil Supplies, Maharashtra, Bombay. From August 1964, as a result of a further agitation carried on by the workmen, an additional *ad hoc* increase of 10 per cent. in the then prevailing wage-rates, by way of interim relief, was secured by the workmen, through the mediation of the Commissioner of Labour, Bombay. The present wage-rates are not linked with the Bombay Consumer Price Index Number and do not provide for any neutralisation on account of rise in prices. The prices of essential commodities are shooting up day by day and there is considerable erosion in the real wages of the workers.

The prevailing wage-rates do not properly take into account the physical strain, skill and hazards involved in the performance of work. The bulk of the work done by the "Lokhandi Jatha Kamgars" is by their own manual efforts. They have to handle the cargo by lifting the same with their heads, shoulders or hands. Even wherever cranes are used, the physical strain involved is appreciable. The work done by the "Lokhandi Jatha Kamgars" is perhaps the heaviest conceivable type of manual labour. It is much more strenuous than the work of the "Mathadi" Labour. Because of this heavy work, the workers are generally required to proceed to their native places, about twice a year, to recoup their strength and energy. The work done by the "Lokhandi Jatha Kamgars" is of a semi-skilled nature. It is comparable with the work done by the "Nawghanies" in large ship repairing concerns in the Docks, such as the

Scindia Workshop, the Mazagaon Docks, M/s. Alcock Ashdown, the Bombay Port Trust, the Naval Dock Yard, etc. The "Lokhandi Jatha Kamgars" are constantly exposed to the risk of accidents in the performance of their duties, as they are required to handle large weights of iron and steel materials of odd shapes and sizes. A small error in judgement in handling the cargo is likely to involve them in serious accidents—fatal at times.

The existing wage structure does not take into account the unsatisfactory conditions under which the "Lokhandi Jatha Kamgars" have to perform their duties. The workmen have to handle iron and steel cargo in dingy godowns or in open stockyards—in rain and sun. Quite often, the workmen are required to work at far-off places like the Docks or the Railway Goods Yards. The hours of work of the "Lokhandi Jatha Kamgars" are not specified. They have to work during odd hours of the day—at times, till late in the nights. They are not paid any extra wages for overtime work done by them. They have to work the whole year round without any weekly-offs or festival and public holidays. The only festival holiday, which the workers enjoy is the "Tukaram Beej" Festival. This lone festival holiday, which the workers enjoy, is also without pay. For working on Sundays and Festival Holidays, the workers are not paid any extra wages. The workers do not get paid leave of any kind. The workers are not provided with any sickness benefits or accident relief. The workers are also not provided with any retiral benefits, like provident fund or gratuity. The workers are also not paid any annual bonuses and there is no arrangement whatsoever for bridging the gap between the wages actually received by the workers and the living wage. Not only this, there is also no provision for annual increments.

The prevailing wage system does not take into account the necessary expenditure which the "Lokhandi Jatha Kamgars" are required to incur in order to earn their livelihood. For handling iron and steel cargo, the workers have necessarily to equip themselves with "Patkas" (Turbans), Towels or Napkins and "Chappals". The workers have also to spend on transport for attending to work at far-off places like the Docks or the Railway Goods Yards. Besides, the workers have also to bear the establishment charges of their "Tolli", on account of salaries of Clerk-cum-Accountant, Bill-Collector, etc., and on account of stationery, postage, telephone charges, etc.

Under the present wage-pattern, little note is taken of the existing highly unsatisfactory living conditions of the "Lokhandi Jatha Kamgars". The workmen, in view of their poor earnings and highly tight residential accommodation situation in Bombay, have perforce to reside in the unhygienic godowns of the Merchants in the "Lokhandi Jatha" and to use

the municipal taps and latrines in the area for their bathing and washing purposes and for answering calls of nature. On account of the inadequate residential facilities in the godowns, most of the workers have to keep their families at their native places and stay "single" in Bombay. They have to take their meals in "Khanawals" and refreshments in Canteens and Restaurants. They have thus to maintain "double establishments" and have to send money to their families at their native places for their maintenance.

The present wage-structure being a piece-rated system, the earnings of the workmen necessarily depend upon the quantum and the weights of items of work available. If no work is available, the workers do not earn anything. If work in items of lesser weights is available, the earnings of the workers are less. It is for all these reasons, therefore, that the average earnings of the "Lokhandi Jatha Kamgars", under the present wage-structure, is between Rs. 130 per month and Rs. 150 per month only. This is lower than what even an unskilled employee in the Cotton Textile Industry in Bombay gets today. An unskilled workman in the Bombay Cotton Textile Industry today gets a minimum wage of about Rs. 160 per month plus other statutory amenities and benefits like leave, sickness insurance, provident fund, gratuity, bonus, etc., besides security of employment and scope for promotions. The present minimum average monthly expenditure of the "Lokhandi Jatha Kamgars" is about Rs. 230 per month. There is, therefore, a short-fall of about Rs. 70 to Rs. 90 per month in their average monthly earnings. This short fall, therefore, requires to be made good by revising and enhancing the present wage-rates by about 60 per cent., as demanded. Such an upward revision in the existing wage-rates would not be unjustified, if all the facts and circumstances mentioned above are considered and properly appreciated.

Further, while revising the present wage-rates, provision may be made to link the same with the Bombay Consumer Price Index Number, so as to protect the workmen from abnormal rises in the prices of essential articles. The revised wage-rates may be fixed at Bombay Consumer Price Index Number (Base year 1934 = 100 points) of 500 points. Thereafter, provision may be made in the revised wage-structure that for every rise of 50 points, over 500 points in the Bombay Consumer Price Index Number, the wage-rates will stand increased by 10 per cent. This will enable the workers to draw Rs. 3 extra for every increase of 10 points above 500 points in the Bombay Consumer Price Index Number.

Apart from the above, while revising the present wage rates, special attention may be paid to the following points, viz. :—

(1) *Provision of Trucks.*—At the Docks and at the Railway Goods Sheds, trucks should be provided by the Merchants for loading and unloading work because it is easier to handle the cargo on or from the trucks. If trucks are not provided and the materials are required to be loaded or unloaded from the ground, double operations are involved and, therefore, double the ordinary wage-rates should be payable by the Merchants to the workers.

(2) *Crane.*—For handling cargo weighing over 1,000 kilos, at times, cranes are engaged by the Merchants. This is because handling of cargo of heavier weights by cranes is more economical to the Merchants. However, even if cranes are engaged by the Merchants, some workmen are required to be employed by the Merchants for attending to the slings of the cranes. These workmen are, at present, paid by the Merchants at a rate of Re. 1 per 1,000 kilos. This is inadequate, in view of the general reasons stated above. The rate, therefore, requires to be revised and raised to Rs. 1.50 P. per 1,000 kgs.

(3) *Stand-bye-Charges.*—At present, the workers are required by the Merchants to be ready for work, whenever called for. However, very often, it so happens that no work is available to the workers for the whole day, due to non-arrival or late arrival of materials. This also happens on a number of occasions, when the workers are sent out for work in the Docks or in the Railway Goods Yards. In such cases, although the workers spend the whole day waiting for work, no work is given to them and no payments whatsoever are made to them for waiting and keeping themselves at the disposal of the Merchants for the whole day. This is unfair. While prescribing the new wage-structure, therefore, it should be seen that the workers are paid stand-bye charges in such situations at the rate of Rs. 6 per day. Otherwise, it should be made obligatory on the Merchants to provide work to the workers, whenever they are summoned for work.

(4) *Customers' Rates.*—At the moment, the Customers, by tradition, have been paying 25 per cent. extra wage rates to the workers, for the handling of the materials purchased by them (Customers) from the Merchants. This practice, which has been established through long standing tradition, should be allowed to continue under the new wage-structure as well, which may be devised for the workmen.

(5) *Rates of Cut-piece items.*—At present, there is no distinction between the rates of handling cut-piece items and whole-piece items. The work of handling cut-piece items is more labourious, time-consuming and difficult than the work of handling whole piece items. The wage rate for handling cut-piece items should, therefore, be higher than rate of handling whole-piece items. It should be Rs. 2.50 P. per 1,000 kilos.

(6) *Rates for taping with loading work.*—The operation of taping is generally involved while handling cargo comprising iron and steel pipes of different dimensions. The operation requires that the pipes of required dimensions should be first sorted out from the stacks or heaps, measured with a tape and then loaded into the vehicle of transport. At present, the workers are paid only for the loading part of the operation and not for the measuring or taping part of the same. The payment for the loading part of the operation is as per the prevailing wage-rate for the weight of the item. Non-payment of any wages for the taping aspect of the operation is unfair. In fact, taping with loading work consumes as much as five times the time taken for only loading work. A separate wage-rate for the item "taping with loading work" should, therefore, be prescribed under the new wage-structure. It should be Rs. 4.00 per 1,000 kilos.

2. *Wages of "Chawkidars".*—At present, there is a practice whereby some of the "Tollies" supply some of their members to the Merchants, for work with them as "Chawkidars". These "Chawkidars" reside in the Godowns or Office premises of the Merchants and keep a watch, at night, over the iron and steel materials of the Merchants. During the day, they do odd jobs for the Merchants, like cleaning the premises, filling drinking water, running small errands, etc. At the moment, these "Chawkidars" are either paid no wages or are paid only nominal wages by the Merchants. They receive their wages out of the general wage pool of their "Tollies". The "Chawkidars" are given by the "Tollies" to the Merchants in order to have good relations with them. But this does not mean that the "Chawkidars" should be exploited by the Merchants. They should be treated as direct employees of the Merchants and be paid a minimum wage of Rs. 150 per month. In addition, their service conditions should be regulated under the Bombay Shops and Establishments Act, 1948 and they should also be paid adequate annual bonus each year.

Some of the larger Merchants employ "Chawkidars" directly and not from the "Tollies". These "Chawkidars" are treated by the Merchants as their direct employees and are paid a monthly wage of Rs. 60 to Rs. 70. The work of these direct "Chawkidars" is similar to that of the "Tolliwalla Chawkidars". The direct "Chawkidars" are also exploited by the Merchants and are paid a low wage. The wages of these direct "Chawkidars" should also be revised and raised to Rs. 150 per month and they should be paid adequate bonus and they should be given all the benefits under the Bombay Shops and Establishments Act, 1948.

3. *Hours of Work.*—The bulk of the work in the iron and steel trade is dependent on the arrival and departure of cargo through Ships, Railways or trucks. At present, the timings of arrival and departure of

these means of transport are not properly anticipated by the Merchants. The result is that there are no fixed hours of work for the "Lokhandi Jatha Kamgars", at present. They have to work any time between 7-00 a.m. in the morning to 11-00 p.m. in the night. At times, they have to work continuously during these hours and at other times there may be little work or no work at all between the said hours. Working in this fashion, day-in and day-out, leaves the workmen with hardly any time for attending to their personal chores. This is undesirable. It is necessary, therefore, that the working hours of the workmen should be regulated. With a little planning and fore-sight, it should be possible for the Merchants to forecast, with reasonable certainty, the arrival and departure of cargo and it should not be difficult for them to carry on their trade during specified hours of the day. If this is done, the normal hours of work of the workmen could be fixed. Their normal hours of work should be from 8-00 a.m. in the morning to 6-00 p.m. in the evening. They should also be provided with half an hour's break for lunch between 1-00 p.m. and 2-00 p.m. in the afternoon. At present, the workmen do not have any fixed lunch hour. They take their lunch whenever they have no work on hand. When there is rush of work, the workers have to take their lunch in groups, by rotation ; or to forego their lunch altogether, if the rush is heavy.

4. *Overtime Rates of Wages.*—At the moment, the hours of work of the "Lokhandi Jatha Kamgars" being unregulated, the workmen are not paid any extra wages for continuous work done by them beyond certain fixed hours or for work done by them at odd hours in the morning or in the night. This is an unhealthy feature. With the regulation of the hours of work of the workmen, as stated under (3) above, it would be necessary to prescribe payments for overtime work by the workmen. The payments for overtime work beyond the normal hours of work should be at one and a half times the ordinary rates of wages. The workmen will, however, be prepared to complete the work commenced before the prescribed closing time by working overtime, if necessary, and without claiming any overtime wages for the same.

5. *Weekly Holidays.*—At present, the "Lokhandi Jatha Kamgars" do not get any weekly holidays. Although the offices of the Merchants are normally closed on Sundays, the workmen have almost invariably to work on Sundays, as there is practically always some work or the other to be done on those days. This work has to be done by the workmen either in the godowns or stockyards of the Merchants or the Docks or at the Railway Goods Yards, where a ship or a Wagon may have arrived suddenly. In the godowns or stockyards of the Merchants, the workmen mostly have to do stacking work on Sundays, as this is the most convenient time for doing the said work uninterrupted. To work for days together

without a weekly-off is injurious to health. The workmen should, therefore, be provided with a weekly holiday. It should preferably be Sundays. If work is required to be done by the workmen on weekly-off days, they should be paid at the over-time rate specified at (4) above, i.e., at one and half times the ordinary rate of wages.

6. *Festival and Public Holidays*.—At present, although the Merchants, etc., enjoy about 20 Festival and Public Holidays each year, the “Lokhandi Jatha Kamgars” do not enjoy a single festival or public holiday, excepting the Festival of “Tukaram Beej”. This lone Festival Holiday is also not a paid holiday. It is enjoyed by the workers on loss of pay for the day. On all festival and Public Holidays that the Merchants enjoy, they keep their offices “closed”. However, as on Sundays, there is always some work or the other to be done by the workmen on these holidays, either at their godowns or stockyards or in the Docks or Railway Goods Sheds. Social interest demands that the “Lokhandi Jatha Kamgars” be also granted Festival and Public Holidays, like the industrial workers. The workmen may, therefore, be allowed all Festival and Public Holidays enjoyed by the Merchants every year. If, however, any work is taken from the workmen on Festival and Public Holidays, they should be paid wages for the said work at the overtime rate stated under (4) above, i.e., at one and a half times the ordinary rate of wages.

7. *Slips of Weights of Work Done*.—The general practice is that most of the Merchants give to the “Mukadam” or his nominee slips containing such details like description, weight, place, etc., of the work done by the workmen of his “Tolli”, each day. It is on the basis of these slips that the “Tollies” submit their Monthly Wage Bills to the Merchants for payments. This practice is, however, not followed uniformly and promptly by all Merchants in the trade. The details of the particulars contained in the slips vary from Merchant to Merchant; the slips are not given to the workmen at the end of the days’ work; at times, the slips are delayed and not given for days together; and, in some cases, the slips are not given at all—the necessary particulars are only orally intimated to the workers. It is, therefore, desirable to regulate the practice in this behalf, which, in turn, would ensure correct and timely submission of wage-bills by the “Tollies” to the Merchants and receipt of prompt payments from them. It should be provided, therefore, that the Merchants should give to the “Tollies” slips containing necessary stipulated details of work done by the workmen each day, within three days of the completion of work by the workmen. If this is not done by the Merchants, then the approximate details of the said work, as given by the workmen, should be acceptable to the Merchants without dispute.

8. *Payment of Wages.*—At present, the “Lokhandi Jatha Kamgars” do not receive payments for work done by them during a previous month by any specified day of the following month. The experience generally is that the workmen receive wages for the previous month as late as the 15th of the next month. Even though the “Mukadams” submit the Wage-Bills of their “Tollies” to the Merchants by the end of the month, the Merchants usually make payments towards the same in the second fortnight of the succeeding month. These late payments upset the budgetary plans of the workmen and put them into difficulties. They have monetary commitments to fulfil at the end of each month, which they are unable to do in time in view of late payments and poor earnings. It is, therefore, highly desirable that the payment of wages of the workmen is regulated and that they are paid wages for work done during the previous month by a specified day the next month. It is suggested that the workmen should be paid wages for a particular month by the 7th of the following month.

9. *Stacking Work.*—At present, the “Lokhandi Jatha Kamgars” are required to do stacking work in the godowns or stockyards of the Merchants for heights rising upto 12 feet or so. Stacking of iron and steel materials upto such high levels is dangerous, in as much as the workers are exposed to serious accident risks since the materials handled by them are heavy and the same are required to be lifted by them with their hands well above their heads. In the godowns, stacking work at heights beyond 6 feet is particularly risky, because the godowns are congested and, while doing the said work, the workmen are required to walk over improvised wooden platforms placed on the different iron and steel materials lying scattered thereat. It is, therefore, essential that a stipulation be laid down as to the maximum height upto which stacking work may be done by the workmen. A provision that stacking work will not be done beyond a height of 7 feet would be reasonable.

10. *Accident Benefits.*—At present, the “Lokhandi Jatha Kamgars” are not normally given any medical relief or monetary compensation, in case they are injured on account of accidents while on duty. Some of the bigger Merchants, however, do provide some first aid assistance and give a little *ex-gratia* monetary relief to the workmen, on humanitarian grounds, in case they are injured due to accidents while at work. At the moment, the entire medical expenditure and full wages for the entire period of convalescence of the injured workmen is borne by the “Tolli”. Not only this, another member of the “Tolli” is deputed by the Mukadam of the “Tolli” to attend on the injured workman. The full wages of this attendant workman is also borne by the “Tolli”, for the period he attends on the injured workman. However, the injured workman

does not get any monetary compensation for the injury suffered by him due to accident while on duty, either from the Merchant concerned or from his "Tolli". Such a situation is highly unjust. It should, therefore, be provided that a workman, who is injured by accident while on duty, should be paid the necessary medical expenditure and also given adequate compensation, as prescribed under the Workmen's Compensation Act, 1923, by the Merchant concerned.

11. *Sickness Benefits*.—At present, the "Lokhandi Jatha Kamgars" are not given any relief whatsoever in case they happen to fall ill. During their illness, the workmen have not only to lose their wages for the period but they also have to make their own arrangements for medical treatment and to bear the necessary bills in regard thereto. Even the "Tolli" of the workmen does not come to rescue of the ailing workmen, as in the case of the injured workmen. Such a situation is highly deplorable. It should, therefore, be laid down that the workmen, who may be ill, will be paid sickness benefit, for 16 days in a year, at the rate of Rs. 5 per day, to meet medical expenditure and maintenance expenses during the period of their illness. Efforts should also be made to open a separate Medical Dispensary in the "Lokhandi Jatha," area, for the benefit of about 2,000 "Lokhandi Jatha Kamgars", who reside in the said area.

12. *Bonus*.—At present, the "Lokhandi Jatha Kamgars" do not receive any annual bonuses from the Merchants for whom they work year-in and year-out. Bonus is an arrangement to fill in the gap between the wages actually received by the workmen and the "Living wage". The wages actually received by the workmen are already low and far from the "Living wage". As against this poor position of the workmen, the condition of the Merchants is happy. They make huge profits in the iron and steel business. It is, therefore, desirable that the Merchants share a part of their profits with the workmen, who labour for them throughout. Bonus is now, by law, available to the great majority of the industrial workers. There is, therefore, no reason why bonus should not be available to the "Lokhandi Jatha Kamgars", whose wages and conditions of employment are miserable. Provision for payment of adequate bonus to the workmen every year should, therefore, be made. A reasonable annual bonus to the workmen would be 10 per cent. of their total earnings during a year.

13. *Application of Labour Laws*.—At present, unlike the industrial workers, the "Lokhandi Jatha Kamgars" seem to be completely unprotected by labour legislation and they do not get the various benefits flowing therefrom. It is, therefore, necessary that these workmen be

given the necessary protection under the different labour laws and they be provided with the various benefits prescribed thereunder. This would, to a large extent, regulate the present unsatisfactory employment conditions of the workmen.

14. *Recognition of Union.*—At present, neither of the two Trade Unions of the “Lokhandi Jatha Kamgars” in Bombay, viz., (1) the Lokhandi Jatha Kamgar Union, Bombay, and (2) the Transport and Dock Workers’ Union, Bombay, have been officially recognised by the various Merchants engaged in the iron and steel trade in Bombay, as the sole bargaining agent of the said workmen.

In the interest of industrial peace and with a view to promoting harmonious industrial relations between the parties, it is desirable that the Merchants should officially recognise the Union enjoying the confidence of the majority of the workmen in the trade. This would mean recognising the voice of the mass of the workers and would be in the interest of the Merchants as well, as it would lead to increasing the productivity of the workers through better relations between the parties.

15. *Regulation of System of Employment.*—At present, the system of employment and service conditions of the “Lokhandi Jatha Kamgars” is completely unregulated. The result is that the workmen are exploited and their working and living conditions are miserable. On account of the present unregulated system of employment of the workmen, the Merchants have also very often to undergo inconveniences in the matter of supply of labour. It is, therefore, desirable that the employment system and service conditions of the workmen be regulated through a Tripartite Board, on the lines of the “Bombay Dock Labour Board”. Such a Board, when constituted, would be in the mutual interest of both the employer and labour and would narrow down the areas of conflict between the two.

16. *Existing Privileges.*—At present, even under the crude system under which the “Lokhandi Jatha Kamgars” are working, certain privileges and facilities, like residing in the godowns of the Merchants, maintaining the offices of the “Tollies” in the business premises of the Merchants, collection of voluntary subscriptions from the Merchants, at the time of the “Tukaram Beej” festival, etc., are enjoyed by the workmen. These small facilities and privileges should not be taken away from the workmen because of their above said demands. In other words, the abovementioned demands of the workmen should be considered separately, without adversely affecting the present privileges and facilities enjoyed by the workmen.

CHAPTER IV

THE REPLY OF THE EMPLOYERS.

In short, the reply of the employers to the various demands of the "Lokhandi Jatha Kamgars", as specified in the previous Chapter, is that they are not at all concerned with the same, as the said workmen are not their employees in any accepted sense of the term. The employers are concerned only with the "Mukadams" of the "Tollies" with whom they have long standing arrangements for handling their cargo, on payment of certain rates, based on the nature and the weight of the cargo. The number of workmen engaged by the Mukadams for handling a particular job, the wages paid by them to the workmen for the said job and the conditions on which they engage them for the said purpose, are matters for which the Mukadams alone are responsible and not the employers. Any grievances or disputes of the workmen in regard to these matters, therefore, are necessarily required to be settled between the workmen and the Mukadams only and the Merchants have nothing at all to do with these matters. In other words, it is the case of the employers that the "Lokhandi Jatha Kamgars" are a kind of "Contract Labour", who do the work of handling their iron and steel cargo, at the instance of the "Mukadams", who are the Merchants' Labour Contractors. Without prejudice to this basic contention of the employers, the gist of their submission, *vis-a-vis* the various demands of the workmen, as noticeable from the Memoranda, Notes and Statements submitted by the two Associations of Employers to the Committee and the replies received by the Committee to its Questionnaires from the employers' side, as also from the evidence given by the representatives of the employers before the Committee, is as follows :—

(1) *Revision of Wage Rates.*—The existing wage-structure has been in vogue by tradition, since the last 60 years or so. The foundation of the present wage-structure has been laid down as a result of prolonged mutual discussions between the individual Merchants and the representatives of the "Tollies" concerned, as far back as in the year 1956, when, for the first time, certain written agreements between some of the Merchants and some of the "Tollies" were reached. Thereafter, in October 1962 and again from August 1964, the workmen secured increases in their then prevailing wage-rates by 25 per cent. and 10 per cent. respectively, at the instance of Shri Homi J. H. Taleyarkhan, the then Minister for Civil Supplies Maharashtra, Bombay and the Commissioner of Labour, Bombay, respectively. The wage-rates of the workmen, as they stand today, are already

too high and impose a heavy financial burden on the Merchants in the trade. With the increases in wage-rates received by the workmen in October 1962 and from August 1964, the present wage-structure of the workmen has become imbalanced and the same is out of tune with the labour and skill involved. The work done by the "Lokhandi Jatha Kamgars" is pure manual labour of an unskilled type. It is not comparable with the work of "Nawghanies" in ship repairing concerns, whose work may be of a semi-skilled type. There is no serious accident risk involved in the work done by the workmen, excepting when they are careless or negligent. In fact, there have hardly been any significant number of accidents in the trade during the past several years.

Under the present wage-structure, the average monthly earnings of the workmen range between Rs. 300 per month and Rs. 400 per month, which is much higher than even what highly skilled workers, whose wages are generally linked with the Bombay Consumers Price Index Number, in large industrial concerns in Bombay get. These high earnings of the workmen, in a way, compensate for the little inconveniences and out of pocket expenditure, which the workmen may have to suffer and incur on account of their so-called unsatisfactory and unregulated working conditions. In fact, the general working conditions of the workmen are not so unsatisfactory as is made out by the workmen. The small handicaps like unregulated hours of work, lack of facilities, etc., which the workmen are required to put up with are mainly due to the peculiar nature of the iron and steel business, which is dependent on the uncertain arrival and departure of cargo. Further, the Merchants are not responsible for the poor living conditions of the workmen. On the contrary, the Merchants have willingly helped them by allowing them to reside free of cost in their godowns. The workers are not forced to stay in the godowns of the Merchants. They stay there of their own free will, as they are unable to secure any alternate residential accommodation in Bombay, in these hard days.

Even if, as per the workmen's own showings, it is taken that the average monthly earning of the "Lokhandi Jatha Kamgars" is about Rs. 150 per month, the same compares quite favourably with the average monthly earning of an unskilled employee in the Cotton Textile Industry in Bombay. Hence, there is no case for any upward revision in the existing wage rates of the workmen. On the contrary, there is a strong case for downward revision in the prevailing wage-rates of the workmen. Firstly, the average monthly earnings of the workmen are already too high and are much higher than what has been fixed (Rs. 140 per month) for skilled workmen employed in shops and commercial establishments in Bombay, under the Minimum Wages Act, 1948, and, under agreements, settlements and awards, for skilled workmen in several large industrial concerns in Bombay. Secondly, the

wage rates paid by other Merchants. Producers, etc. to the "Lokhandi Jatha Kamgars" working at places outside the "Lokhandi Jatha", like Darukhana. Kharva Galli, etc., stockyards of M/s. Tata Iron and Steel Co. Ltd., Bombay and M/s. Indian Iron and Steel Co. Ltd., Bombay-15 and Re-Rolling Mill premises of M/s. Mukund Iron and Steel Private Ltd., Bombay-70 and M/s. Krishna Steel Industries Pvt. Ltd., Bombay-31, are much lower. In the case of Producers and Re-Rollers, the workmen, at the instance of their trade unions, have, by agreements, accepted lower wage rates in respect of several items of work. It is because of the lower wage rates prevailing at places outside the "Lokhandi Jatha" that the iron and steel business has commenced shifting from the "Lokhandi Jatha" to various other profitable places in Bombay. Not only this, the business is also showing a tendency to shift to several other parts of the country, where the wage rates of the workmen are even still lower. Thirdly, the "Tollies", whenever there is rush of work on hand, employ "Casual Labour" in order to complete the job in time. These "casual workmen", who are employed by the "Tollies", are paid wages at a flat rate of Rs. 2 to Rs. 3 per day only, as against the average daily earnings of Rs. 12 to Rs. 15 per day of the regular members of the "Tollies". Thus, the "Tolliwallas", who themselves pay lower wage-rates to their bretheren, cannot right-fully ask for higher wage-rates for themselves from the Merchants. Lastly, the position of the iron and steel trade is unstable, at present, in view of the uncertain import policy of the Central Government. In view of this, the trade has been suffering heavy losses since the last few years. Not only this, in view of the controlled prices of the various items of iron and steel materials laid down by the Central Government, the margin of profits of the Merchants is very narrow. The Merchants are, therefore, unable to take any extra burden by way of increase in the wage-rates of the workmen. In the circumstances, the increases in the wage-rates, to the extent of 25 per cent. in October 1962 and 10 per cent. from August 1964, secured by the workmen is more than adequate and reasonable.

(i) *Provision of Trucks.*—At the Docks and at the Railway Goods Sheds trucks are almost invariably provided by the Merchants for loading and unloading purposes. It is only very rarely that the workers are required to load or unload the material from the ground at these places. This is generally due to the non-availability of trucks, at times. The workers should not make out much of a grievance on these rare occasions, when they are required to load or unload material from the ground, and insist on double wage-rates for the said work. The Merchants will see to it that the workers are not inconvenienced in this behalf, as far as possible, and that trucks are made available to them, so far as feasible, for loading and unloading work at the Railway Goods Sheds.

(ii) *Cranes*.—Mechanical cranes are usually engaged by the Merchants, for handling iron and steel cargo of weights beyond 1,000 kgs. on grounds of economy. When cranes are drafted by the Merchants, only a few workmen are required to be engaged by them for attending to the slings of the cranes. The work of the workmen here is simple. All that they are required to do is to fasten the sling of the crane on to the material, which is required to be lifted and to unfasten the same at the place, where the material is required to be deposited. For this simple work, the present wage-rate of Rs. 1 per 1,000 kgs. is more than satisfactory and the same requires no enhancement.

(iii) *Stand-by-Charges*.—The correct position in this behalf is that whenever the Merchants receive intimations about arrival or departure of ships or Railway wagons in which or from which their cargo is required to be loaded or unloaded, they send words to the "Mukadams" of their "Tollies" and ask them to keep their members ready for work. The "Mukadams", in anticipation of the work, send the necessary number of workmen to the required places. It so happens, at times, that the arrival or departure of the Ships or the Railway Wagons are delayed for reasons beyond the control of the Merchants. The workmen have, therefore, to wait for some time before they can commence their work. This "waiting time" is unavoidable and is usually for a few hours. Very rarely does it happen that the workmen have to keep waiting for the whole day without any work. The workmen should, therefore, not make much out of this situation and demand for payment for the same, as the merchants are not responsible for the late arrival or departure of Ships or Railway Wagons.

(iv) *Customers' Rates*.—It has been the long standing tradition of the workmen to collect 25 per cent. extra wage rates for the work done by them for the Customers of the Merchants. The Merchants have nothing further to say on this particular demand of the workmen, as they are not properly concerned with the same.

(v) *Rates of Cut-piece Items*.—The correct position in this regard is that there is hardly any difference between the handling of cut-piece items and whole piece items. The labour and the time required for handling both these sets of materials is practically the same. As such, the rates for dealing with both these sets of items of work should be the same, as at present. There is no case for providing higher wage-rates for work pertaining to cut-piece items, as demanded by the workmen.

(vi) *Rates for Taping with Loading Work*.—The proper position in this connection is that the workmen are only required to pick out the iron or steel pipes, which are required to be loaded, and only to hold the tape against their length before loading them into vehicle of transport. Hardly

any extra effort is involved or time is consumed in doing the taping with loading operation, as compared to mere loading operation. The workmen are not required to measure the pipes or record their lengths. This part of the work is done by the clerks of the Merchants and their Customers, who are present at the site of work for this purpose. As such, the workmen have no good case for asking an extra wage-rate for this particular item of work. The present position in this behalf is satisfactory.

2. *Wages of "Chawkidars".*—Most of the Merchants, being small traders, do not employ any "Chawkidars". A few of the bigger Merchants, however, do directly engage some "Chawkidars". The work of these "Chawkidars" is nominal. All that they are required to do is to open the "pedhis" (offices) of the Merchants in the mornings, sweep them, prepare the "gadhies" (mattresses), fill drinking water, etc. During business hours, they are required to attend to small errands of the Merchants, like ordering for tea or refreshments from the nearby Restaurants, delivering messages to persons in the "Lokhandi Jatha", etc. In the evenings, all that they are required to do is to close the "Pedhis". The "Chawkidars" reside in the "Pedhis" or in the godowns of the Merchants. This they do of their own free will, because they generally do not have any alternate residential accommodation elsewhere in Bombay. At nights, they sleep in the "Pedhis" or godowns of the Merchants and they are not required by the Merchants to keep awake for watching the goods that may be lying in the godowns or stockyards. For this nominal work, the "Chawkidars" are paid a wage of Rs. 60 to Rs. 70 per month. The present wage paid to them is adequate, taking into consideration the nature of the work done by them and the residential facility provided to them.

Some of the Merchants are also provided by their respective 'Tollies' with what may be called "Tolliwalla Chawkidars", with a view to maintaining good relations with them. These "Tolliwalla Chawkidars" also generally reside in the 'Pedhis' or godowns of the Merchants and do practically the same work as the 'Chawkidars', who are the direct employees of the Merchant. In addition, these "Tolliwalla Chawkidars", whenever required by their 'Tollies', also work with the other members of their 'Tolli'. The "Tolliwalla Chawkidars" are paid wages by their respective 'Tollies' and not by the Merchants. The Merchants, however, pay them some amount, according to the arrangement with their respective 'Tollies', every month, for the little work done by them for the Merchants. The Merchants would have no objection, if the system of "Tolliwalla Chawkidars" is abolished, as these "Tolliwalla Chawkidars" are not of much use to the Merchants.

3. *Hours of Work.*—As has been already stated by the workmen, the bulk of the work of handling of iron and steel materials is dependent

upon the arrival and departure of the cargo through Ships, Railways or Trucks. The arrival and departure of these means of transport cannot be forecast by the Merchants with any reasonable certainty. As such, it may be impracticable to prescribe fixed hours of work for handling of iron and steel materials. The experience of the Merchants in this behalf is that generally most of the work relating to handling of iron and steel cargo is required to be done between 9-00 a.m. and 7-00 p.m. only. It is, therefore, not correct to say that the "Lokhandi Jatha Kamgars" work from 7-00 a.m. in the morning till about 11-00 p.m. in the night, as made out by them. Further, the work regarding handling of iron and steel materials being not of a continuous but of an intermittent nature, the workmen do not work continuously from 9-00 a.m. to 7-00 p.m. They work during the above said hours only for periods when work is available to them. During the remaining period, they sit idle. It is during this "idle time" that the workmen generally take their lunch and they are not in any way seriously inconvenienced in this behalf. There is, therefore, no strong case for regulation of the working hours of the workmen. In any event, it may not be possible to do so, in view of the intermittent nature of the work.

4. *Overtime Rates of Wages.*—Since, as has been admitted by the "Lokhandi Jatha Kamgars", the hours of work relating to handling of iron and steel materials are unregulated, the question of payment of any extra wages for any so called overtime work that may be done by the workmen does not arise. The "Lokhandi Jatha Kamgars" are paid on a piece-rated system, based on the slabs of weights of the different items of work and the quantum of work done by them. Under the abovesaid system, the question of payment of extra rates for any so called overtime working does not arise. Hence, there is no substance in this demand of the workmen.

5. *Weekly Holidays.*—Sundays are generally observed as weekly holidays by the great majority of the Merchants engaged in the iron and steel trade in Greater Bombay. They usually keep their business houses closed on Sundays. However, at times, on account of the untimely arrival or departure of Ships or Railway Wagons, some loading or unloading work is required to be done on Sundays. The "Lokhandi Jatha Kamgars", when requested to do such work on Sundays, willingly accept the same in their own interest and for the purposes of boosting up their earnings. Not only this, the workmen even request the Merchants to give them some work for being done by them on Sundays. In some cases, the Merchants usually allot them stacking work to be done in their godowns or stockyards, if the same is available. By and large, the Merchants are not anxious to take work from the workmen on Sundays. However, in

emergent situations, as explained above, some work has to be done on Sundays. In case, the "Lokhandi Jatha Kamgars" are not prepared to do this work on Sundays at the ordinary rates of wages, the Merchants would have no objection to the same, provided the workmen allow them to get the said work done by employment of "Casual labour" from the open market. In any event, the workmen have not made out any good case for payment of higher wage rates to them for any work that may be done by them on Sundays.

6. *Festival and Public Holidays.*—Most of the Merchants in the iron and steel trade in Greater Bombay observe about twenty festival and public holidays each year. On these days, they generally keep their entire business premises closed. However, as in the case of Sundays, occasionally some work relating to handling of iron and steel materials arises on these festival and public holidays, in view of the unforeseen arrival or departure of Ships, Railway Wagons, etc. This work is willingly undertaken, at present, by the "Lokhandi Jatha Kamgars" in their own interest, as in the case of work on Sundays. Here again, the Merchants would have no objection if the "Lokhandi Jatha Kamgars" do not undertake any work on festival and public holidays, provided they allow the Merchants to get the said work done through "casual labour" from the open market.

7. *Slips of Weights of Work Done.*—It has been admitted by the "Lokhandi Jatha Kamgars" that most of the Merchants in the iron and steel trade in Greater Bombay do give to the Mukadams or their nominees slips, containing necessary details like description, weight, place, etc. of the work done by the workers each day. It is on the basis of these slips that the Mukadams of the "Tollies" submit their monthly wage-bills to the Merchants at the end of each month. In case it is not possible for the Merchants, due to the pressure of work or some other reasons, to give the slips to the Mukadams on the very day on which the work is done, the said slips are given either on the next day or on the third day. Generally, the supply of slips to the Mukadams is not unduly delayed by the Merchants, as has been made out by the workmen. If slips are not given immediately, the necessary particulars are communicated by the Merchants orally to the Mukadams. The Merchants would not have any objection in giving the slips to the workmen, within three days of the completion of work by them, as demanded by them.

8. *Payment of Wages.*—The general practice is that the wage-bills submitted by the Mukadams of the "Tollies" to the Merchants concerned are paid-off by the Merchants within a week from the date of receipt of the wage-bills by the Merchants. It is the experience of the Merchants, that payments to the "Lokhandi Jatha Kamgars" are generally delayed not

because the Merchants do not make necessary payments in time but because the Mukadams submit their wage-bills late. The Merchants have no intention of harassing the workmen in this behalf and they would be prepared to make payments to the Mukadams of their "Tollies", within seven days of the receipt of the wage-bills by them.

9. *Stacking Work.*—It is not correct to say that stacking work is done by the "Lokhandi Jatha Kamgars" upto a height of 12 feet or so. At the most, stacking work is done by them upto a height of about 9 feet or so. Stacking work upto a height of 9 feet or so does not involve any serious accident risk, provided the workers are not careless or negligent. Further, stacking work is mostly done by the workmen in the stockyards, which are usually not congested. In the stockyards, therefore, the workmen are not inconvenienced while doing the stacking work.

10. *Accident Benefits.*—The question of grant of any medical relief or accident compensation to the "Lokhandi Jatha Kamgars" by the Merchants does not arise, as the said workmen are not the employees of the Merchants but are so to say "contract workers" working under the Mukadams of their respective "Tollies". Despite this position, on humanitarian grounds, most of the Merchants do provide first-aid assistance to workmen who are injured due to accident while at work. Some of the Merchants also provide some medical relief and also give some *ex-gratia* compensation to the injured workmen. This is, however, without prejudice to their legal liability in this regard. The "Lokhandi Jatha Kamgars" not being the employees of the Merchants are not entitled to claim medical relief or accident compensation from the Merchants. The demand of the workmen is misconceived.

11. *Sickness Benefits.*—As in the case of "accident benefits" so in the case of "sickness benefits" as well, the "Lokhandi Jatha Kamgars" cannot have any legitimate claim for any relief from the Merchants, since they are not the employees of the Merchants but "contract workers". This demand of the workmen is, therefore, also misconceived. Despite this position, however, the Merchants, on humanitarian grounds, do support the suggestion of the workmen for starting of a Medical Dispensary in the "Lokhandi Jatha", for the benefit of the workmen residing thereat. The initiative in this behalf, however, has to be taken by the workmen. The Merchants would not mind contributing, on a reasonable basis, towards the expenses of the Dispensary, when started by the workmen.

12. *Bonus.*—This is another misconceived demand. Bonus is payable to regular employees and not to "contract workers", who work

intermittantly on a piece-rated system, as in the case of the "Lokhandi Jatha Kamgars", in whose case there is no employer-employees relationship between the workmen and the Merchants. Apart from the above, the "Lokhandi Jatha Kamgars" have made out no strong case for bonus, since, as has already been pointed out earlier, their average monthly earnings are as high as Rs. 300 to Rs. 400 per month, which is higher than even what the skilled industrial workers in Bombay usually get. Despite this position, some of the Merchants do pay some ex-gratia amounts to the Mukadams of their "Tollies" at the time of "Diwali" festival.

13. *Application of Labour Laws.*—No labour legislation can be fruitfully applied to the "Lokhandi Jatha Kamgars", in view of the peculiar system under which they are working at present. Their work is intermittent and they are paid on a piece-rated system. They are not the direct employees of the Merchants, but so to say "contract workers" working under the Mukadams of their respective "Tollies". They work not for one particular Merchant but for different Merchants. As such, even if labour legislation is made applicable to them, they would not be in a position to derive the benefits prescribed under the said legislation. Hence, this demand of the workmen is also misconceived.

14. *Recognition of Union.*—At present, neither of the existing two Trade Unions of the "Lokhandi Jatha Kamgars" namely (1) The Lokhandi Jatha Kamgar Union, Bombay and (2) the Transport and Dock Workers' Union, Bombay has been recognised by the Merchants engaged in the iron and steel trade in Greater Bombay. This is so firstly because the Merchants are not directly concerned with the "Lokhandi Jatha Kamgars". They are only concerned with the Mukadams of their respective "Tollies" with whom they have long-standing arrangements for getting their work relating to handling of iron and steel cargo done. Secondly, the Merchants are not aware of the correct membership positions of the two Trade Unions. As such, the Merchants are unable to do anything in the matter.

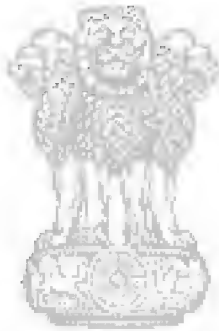
15. *Regulation of System of Employment.*—The present "Tolli" system of working of the "Lokhandi Jatha Kamgars" has been in existence since the last 60 years or so. It is the experience of most of the Merchants engaged in the iron and steel trade in Greater Bombay that the said "Tolli" system has generally worked well, although in certain cases, it results in inconveniences to the Merchants, when there is rush of work. From the Merchants point of view, the only undesirable feature of the present "Tolli" system of working is the monopolistic manner in which the "Tollies" function. Under the present system, the Merchants cannot

take work from any "Tolli", excepting the "Tolli" which is attached to them. On account of this, in emergent situations, the Merchants are put to hardships and loss, as workers of the "Tollis" attached to them are often not readily available, they being engaged elsewhere.

Under the present "Tolli" system of working, the workers have large scope for doing things in a manner most suitable and convenient to them. They cannot only work, at their own will, for any of the Merchants to whom their "Tollies" are attached but they can also remain absent and proceed to their native places for whatever period and whenever they choose, unlike the industrial workers who have regulated service conditions. The "Lokhandi Jatha Kamgars" themselves would, therefore, not welcome any change in the present "Tolli" system of their employment. Further, any attempt to change the present "Tolli" system of employment of the workers may amount to "killing" the existing mobility of labour. At present, the workmen are used to working for different Merchants at different places. They are accustomed to work for one Merchant at one place in the morning and another Merchant at a different far-off place in the evening, at a short notice. If the present "Tolli" system of working is altered, this mobility, which the workmen have at present, would be lost. This is not desirable.

Apart from the above, under the present "Tolli" system of working, the average monthly earnings of the "Lokhandi Jatha Kamgars" are between Rs. 300 and Rs. 400 per month. Under any other regulated system of employment, the average monthly earnings of the workmen are bound to be much less. This would be resented by the workmen. However, in case the "Lokhandi Jatha Kamgars" are insistent that the present "Tolli" system of their employment should be changed, most of the bigger Merchants, who have some amount of regular work with them, would be prepared to absorb such of the workmen required by them as their direct employees, either on a fixed monthly salary or on a piece-rated basis. The smaller Merchants would, however, like to employ the workmen on a casual basis only, as the volume of their work is not only small, but uncertain. One suggestion for regulating the system of employment of the "Lokhandi Jatha Kamgars" would be to form a single co-operative society of the workmen, which, when formed, may act as the sole "Labour Contractor" of the Merchants for doing their loading, unloading, etc. work in place of the existing nine "Tollies". Lastly, the Merchants would be prepared to consider, on merits, the suggestion put-forth by the workmen relating to the regulation of their employment system through a "Board" or a "Pool", provided necessary details of the same are made known to the Merchants.

16. *Existing Privileges.*—The Merchants are not interested in curtailing or reducing the existing privileges or facilities enjoyed by the “Lokhandi Jatha Kamgars”. However, in case the system of employment of the “Lokhandi Jatha Kamgars” is altogether changed or modified through introduction of a new system or scheme, such of the present privileges or facilities enjoyed by the workmen, as are not in consonance with the said system or scheme may have to be done away with.



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CHAPTER V

RECOMMENDATIONS OF THE COMMITTEE

On the basis of the material available before it, as also on the basis of the observation-visits made by it to certain selected places in Bombay, where handling of iron and steel materials is done on a large scale, the Committee has tried to study the working and living conditions of the "Lokhandi Jatha Kamgars" in Bombay, *vis-a-vis* their demands, which are before the Committee, as extensively as possible. The present position in this regard has already been set out in Chapter II of this Report. In the light of this background, the Committee has carefully examined the case of the workmen for improvement in their wage-rates and betterment of their service conditions and the rejoinder of the Merchants thereto, as disclosed from the replies sent by the parties to its Questionnaires and as revealed from the Memoranda, Notes and Statements submitted by the parties to it and the evidence given by their representatives before it. The respective submissions, contentions and arguments of the parties in this regard have been mentioned in detail in Chapters III and IV of this Report. Having considered the entire position, as seen from the material on record, the Committee has come to the conclusion that the existing employment conditions of the "Lokhandi Jatha Kamgars" can only be improved by making a radical change in their present system of working. This can be done by special legislation only. However, in respect of certain matters such as wage-rates, hours of work, weekly, festival and public holidays, etc., the Committee is of the view that the same can be provided for immediately in the "Lokhandi Jatha", at any rate, on the recommendations of this Committee, by agreement between the parties or otherwise. The Committee has, therefore, decided to make its recommendations in two parts—one in regard to such matters like wage-rates, hours of work, weekly, festival and public holidays, etc., which can be regulated and enforced immediately, and the other in regard to the change in the system of employment of the "Lokhandi Jatha Kamgars", which may be brought into force subsequently by enactment of special legislation on the subject. The present Chapter has, therefore, been divided into two parts accordingly.

Part I

(1) *Wage Rates.*

(a) *Interim Relief.*—The Committee has already observed that there is no unanimity between the "Lokhandi Jatha Kamgars" and the Merchants in regard to the prevalent slabs of weights of the different items of work and the rates of wages therefor. According

to most of the Merchants, the existing wage-rates are based on a three slab system, while according to the Trade Unions of the workmen and the "Tollies" of the workmen, the present wage-rates are based on a six slab system. Whatever may be the correct position in this behalf, the interim increases of 25 per cent. in the prevalent wage-rates recommended by Shri Homi J. H. Taleyarkhan, the then Minister for Civil Supplies, Maharashtra, Bombay in October 1962 and the further ad-hoc interim increase of 10 per cent. recommended by the Commissioner of Labour, Bombay from August 1964, were based on the then prevailing wage-rates, either on the three slab system or six slab system, as the case may be. There is no controversy about non-payment of the interim increase of 25 per cent. recommended by Shri Talyarkhan in October 1962. However, during the course of its evidence recording proceedings, the Committee was given to understand that some of the Merchants have not been paying the 10 per cent. interim relief recommended by the Commissioner of Labour, Bombay from August 1964. This, the Committee was told, was due to the fact that the question of adjustment of the interim relief was to be considered by this Committee, which has to recommend rates of wages with effect from 1st August 1964, and the Merchants were awaiting the final recommendations of the Committee on the subject, before making the payments. In view of the fact that most of the Merchants have granted the abovesaid interim relief of 10 per cent. from August 1964 and also in view of the fact that cost of living has also increased during the last two years, the Committee feels that the above-mentioned interim relief of 10 per cent. recommended by the Commissioner of Labour, Bombay from August 1964, is fair and reasonable. The Committee, therefore, recommends that the interim increase of 10 per cent. in the then existing wage-rates, which was recommended by the Commissioner of Labour, Bombay to be paid to the workmen from 1st August 1964, be confirmed and the same shall be payable to the workmen by the Merchants and the Customers of the Merchants in the "Lokhandi Jatha" from August 1964 till 31st December 1965 or till such further time as the wage-rates recommended by the Committee under paragraph 16 below are brought into force by Government.

(b) *Wage-rates for Bending, Bundling, etc. work.*— Apart from loading, unloading and stacking work, there are certain other items of work in respect of which the workmen have also made demands for revision in wage-rates. These items are bending work, handling of cut-pieces, bundling (bars and pieces), handling of barbed wire bundles, taping with loading work, provision of trucks, stand-bye charges and 25 per cent. extra wage-rates for work of Customers. The demands of the workmen in respect of these items of work were substantially conceded by the representatives of the Merchants, in the course of their evidence before the

Committee, as the same do not involve much monetary burden. However, to the demand of the workmen concerning two items, viz. (i) "cut-piece" and (ii) "taping with loading" work, there was some opposition from the Merchants. While the Merchants maintained that the existing position and the present wage-rates in regard to these items of work need not be disturbed, the workmen were insistent that higher wage-rates should be prescribed for these items of work, as the time and labour required for these two items are greater, as compared to the handling of "whole piece" materials in the first item and mere loading or unloading work in the second. The Committee has considered the position in this regard and has been convinced that the time and labour required for handling "cut-piece" items is greater than that for handling "whole piece" items and that "taping" while "loading" does take more time than mere loading or unloading work, particularly when the quantity of pipes to be measured by the tape is large. The Committee is, therefore, of the view that higher wage-rates should be prescribed in respect of these two items of work. The Committee, therefore, recommends that, with effect from 1st January 1966, the wage-rates for handling the following items of work shall be revised as under :—

Item.			Rs. per 1,000 kgs.
Bending.	...	...	... 3.50
Cut-Pieces	...	...	... 2.50
Bundling (Bars)	...	...	... 0.62
Bundling (Pieces)	...	...	... 0.75
Barbed Wire Bundle	...	...	... 0.10

(i) If *taping work* is asked to be done by the workers along with loading work, they shall be paid 5 per cent. extra wage-rates for the said work.

(ii) If *trucks are not provided* for loading work at Carnac Bunder and Wadi Bunder Goods sheds, the workers shall be paid at double the *ordinary wage-rates* ;

(iii) If loading and unloading work is done by *crane*, the workers shall be paid at the rate of Rs. 1.25 P. per 1-000 kgs.

(iv) If workers *are sent out* for loading, unloading, etc., work and if they are required to spend the *whole day* there *without any work*, they shall be paid wages at Rs. 6 per day ; and

(v) The Customers of the Merchants shall pay 25 per cent. *extra wage-rates* for the abovesaid items of work, with effect from 1st January 1966, till such time as is laid down under sub-paragraph (a) above.

2. *Wages of "Chawkidars".*—The Committee notes that there are two kinds of "Chawkidars"—(1) "Chawkidars", who are directly employed by the Merchants and (2) the other, the "Tolliwalla Chawkidars", who are supplied by the "Tollies" to some of the Merchants. The "Chawkidars" directly employed by the Merchants are the employees of the Merchants and the Merchants accept this position. They are covered by the Bombay Shops and Establishments Act, 1948, the Payment of Wages Act, 1936 and the Minimum Wages Act, 1948 and they are entitled to the benefits under these Acts. The wages, which these directly employed "Chawkidars" are getting, at present, are, in the opinion of the Committee, rather low. Their existing wages, which are between Rs. 60 and Rs. 70 per month, appear to be lower than what has been prescribed for unskilled employees in the recent notifications issued by Government under the Minimum Wages Act, 1948. In these notifications the Minimum Wage for unskilled employees is Rs. 80 per month. The Committee, therefore, feels that the wages of these directly employed "Chawkidars" should be improved. Hence, the Committee recommends that, with effect from 1st January 1966, the minimum wage for the "Chawkidars" directly employed by the Merchants shall be Rs. 80 per month.

As regards the "Tolliwalla Chawkidars", it has already been conceded by the representatives of the Merchants, during the course of their evidence, that these "Tolliwalla Chawkidars" are hardly of any use to the Merchants and that they would have no objection if the system of supplying "Tolliwalla Chawkidars" by the "Tollies" is discontinued. The Committee has considered the position in this behalf and it feels that the "Tolliwalla Chawkidars" system is really not necessary. The Committee is of the view that these persons could be better engaged, if they work with their "Tolli" like any other member of their "Tolli". As such, the Committee recommends that, with effect from 1st January 1966, the system of "Chawkidars" being supplied by the "Tollies" to the Merchants shall be abolished.

3. *Hours of Work.*—It has been already observed in Chapter II, paragraph 11, that the "Lokhandi Jatha Kamgars" have no fixed hours of work. They work from 7-00 or 8-00 a.m. to 7-00 or 8-00 p.m., which may sometimes extend to 10-00 or 11-00 p.m. The Merchants have stated that these irregular hours are largely due to the workmen themselves, who like to work at their pleasure and convenience. The workers have alleged that the irregular and late hours are due to the Merchants, because they ask them to work when trucks are available, which is generally at the end of the day. The Merchants, however, are willing to fix normal hours of work after making sufficient allowance for the waiting intervals.

The Committee notes that work relating to handling of iron and steel materials in Greater Bombay depends to a certain extent upon the arrival or departure of Ships, Railway Wagons or other means of transport carrying the cargo. The Committee also notes the difficulty of the Merchants in precisely anticipating the arrival and departure of these means of transport. From the evidence before the Committee, it appears to the Committee that the major part of the work relating to handling of iron and steel cargo is done during the day time from 9-00 a.m. to 6-00 p.m. Taking all these facts into consideration, the Committee recommends that, with effect from 1st January 1966, the normal hours of work for handling of iron and steel materials in Greater Bombay shall be from 8-30 a.m. to 6-30 p.m. including lunch hour. The Committee understands that at certain places, like Docks, Railway Goods Yards, Re-Rolling Mills, etc., where work relating to handling of iron and steel materials is done, the Authorities of those places have prescribed restrictions relating to working hours. The above said working hours recommended by the Committee, therefore, will necessarily have to be subject to the restrictions, if any, of the places, like Docks, Railway Goods Yards, Re-Rolling Mills, etc., where the work relating to handling of iron and steel materials is being done.

4. *Overtime Rates of Wages.*—If the normal working hours for handling of iron and steel materials in Greater Bombay are fixed, it follows that a higher rate of wages must be provided for working beyond normal hours. The accepted principle in regard to overtime rate is that the said rate is always higher than ordinary rate. Under the Factories Act, 1948, the overtime rate is twice the ordinary rates of wages, while under the Bombay Shops and Establishments Act, 1948, the overtime rate is one and half times the ordinary rate of wages. As the Merchants Offices are registered under the Shops and Establishments Act, this one and half times rate for overtime seems suitable to the Committee. The Committee, therefore, recommends that, with effect from 1st January 1966, the overtime rates of wages for work done beyond the normal hours of work prescribed under the paragraph 3 above shall be one and half times the ordinary rates of wages. The abovesaid recommendation of the Committee is, however, subject to the following two qualifications. The Committee feels that these qualifications are necessary, in view of the fact that the work relating to handling of iron and steel materials is intermittent. In their demands, the workers have also stated that the work commenced during normal hours but continued after the said hours may be paid at the ordinary rates. The Committee, therefore, further recommends that any work commenced before 6-00 p.m. shall be paid for at the ordinary rates of wages. However, work commenced after 6-00 p.m. and continued after 6-30 p.m. shall be payable at the overtime rate, which is one and half times the ordinary rates of wages.

5. *Weekly Holidays*.—It is now a generally accepted principle to provide a weekly-off to workmen, whatever may be the system under which they work. It is also now the accepted position that if workmen are required to work on a weekly-off day, they should be paid at higher than the ordinary rates of wages for the said work. From the material before the Committee, it is clear that the majority of the Merchants keep their business houses closed on Sundays. The Committee, therefore, recommends that, with effect from 1st January 1966, Sunday shall be a weekly holiday for the "Lokhandi Jatha Kamgars", in Greater Bombay. The Committee, however, notes that, in cases of emergency or urgency on account of the arrival or departure of Railway Wagons, etc., some work relating to handling of iron and steel materials has got to be done on Sundays. In such situations, the Committee further notes that there is no objection from the workmen to do work on Sundays. They, however, desire to be paid for the said work at higher than the ordinary rates of wages. The Committee has already prescribed a higher rate for doing overtime work. It is the general practice in industry to pay the workers for work done by them on weekly-off days at the overtime rate of wages. The Committee, therefore, further recommends that, with effect from 1st January 1966, if work is required to be done by the "Lokhandi Jatha Kamgars" on Sundays, on the instructions of the Merchants, they should be paid for the said work at one and half times the ordinary rates of wages.

6. *Festival and Public Holidays*.—The practice of granting of festival and public holidays to workmen has now come to stay. Apart from the industrial workers, festival and public holidays are now available to even "contract workers" and "Mathadi" workers, doing the work relating to handling of cargo in places like Docks, Railway Yards, etc. From the material on record, it is seen that by and large the Merchants in the iron and steel trade in Greater Bombay keep their business premises closed on about 20 festival and public holidays each year. However, as in the case of Sundays, some work may be required to be done by the "Lokhandi Jatha Kamgars" on these festival and public holidays. It is only on the "Tukaram Beej" Festival that the workmen do not do any work. The Committee feels that the demand of the workmen for grant of festival and public holidays and for prescription of a higher rate for any work that they may be required to do on the said days is fair and reasonable. The Committee understands that the workmen employed in the Bombay Port Trust (Docks) for handling of cargo get, at present, some 13 festival and public holidays each year and that for any work which may be done by them on the said days, they are paid at the overtime rate. Having regard to all these facts, the Committee recommends that, with effect from 1st January 1966, the "Lokhandi Jatha Kamgars"

in Greater Bombay should get all the festival and public holidays enjoyed by the Bombay Port Trust (Docks) workers. The Committee further recommends that the holidays should include the "Tukaram Beej" Festival, on which day no work shall be taken from the workers. The Committee further recommends that, if on any of the other festival and public holidays recommended by it hereinabove, work is required to be done by the workers, on the instructions of the Merchants, they shall be paid for the same at one and half times the ordinary rates of wages.

7. *Slips of weights of work done.*—The Committee notes that there is not much controversy in respect of this demand of the "Lokhandi Jatha Kamgars". It is admitted by the workmen that most of the Merchants do give slips containing necessary details of the work done by the workmen to the Mukadams of their "Tollies". The only grievance of the workmen in this behalf is that the slips do not contain uniform particulars, that they are, at times, delayed and that sometimes they are not given to them at all. In the course of evidence, the representatives of the Merchants have practically conceded this demand of the workmen. They have said that the Merchants would be prepared to give the required slips to the Mukadams of their "Tollies", within three days from the date of completion of work by the workmen. The Committee, therefore, recommends that, with effect from 1st January 1966, the Merchants shall give to the Mukadams of their "Tollies" slips, in duplicate, containing necessary information regarding the nature and the weight of the work done by the workmen, within three days of completion of work by the workmen.

8. *Payment of Wages.*—The Committee notes that there is also not much controversy between the parties in respect of this demand as well of the "Lokhandi Jatha Kamgars". In fact, in the course of evidence, the representatives of the Merchants practically conceded this demand of the workmen. Under the Payment of Wages Act, 1936, payment of wages for a particular month is required to be made on or before the 7th of the following month, in cases where less than 1,000 workmen are employed and on or before the 10th of the following month, in cases, where more than 1,000 workmen are employed. Having regard to the above position, the Committee, therefore, recommends that, with effect from 1st January 1966, payments for work done by the workers during a particular month, shall be made by the Merchants to the "Tollies" on or before the 7th of the following month.

9. *Stacking Work.*—The Committee notes that the dispute between the parties in this respect is only in regard to the maximum height upto which stacking work should be done. According to the workmen, the stacking

height should not be of more than 7 feet, while according to the Merchants, the same should be upto 12 feet. The Committee, during the course of its observation-visits has witnessed the stacking operations carried on by the workmen. The Committee is of the view that stacking operations beyond a height of 9 feet, particularly in godowns, is risky and dangerous. This is because the goods are required to be physically lifted by the workers with their hands well above their heads. Besides, the materials are not only heavy but are of odd shapes and sizes. In the opinion of the Committee, such material can, at the most, be physically lifted upto a height of 9 feet, without undue risk. The Committee, therefore, recommends that, with effect from 1st January 1966, the maximum height for stacking iron and steel goods shall not exceed 9 feet.

10. *Accident Benefits.*—The position in regard to the liability of the Merchants to pay compensation to the “Lokhandi Jatha Kamgars” in case of injuries suffered by them in the course of their employment, has been discussed and explained, under Chapter-II, paragraph 21 of this Report. The Committee is of opinion that the Merchants are liable to pay accident compensation, as per the Workmen’s Compensation Act, 1923, to the workmen, if they are injured by accident while at work. Therefore, no recommendation of the Committee in this respect is necessary. If, however, in future, the Bombay High Court or the Supreme Court holds that these workers do not fall under the Workmen’s Compensation Act, the Government should get the Act amended so as to cover the “Lokhandi Jatha Kamgars”. The Committee, however, recommends that the Merchants may, in their own interest, either individually or collectively get themselves insured against claims for accident compensation of the workmen under the Workmen’s Compensation Act, 1923.

11. *Sickness Benefits.*—In the opinion of the Committee, under the present “Tolli” system, the “Lokhandi Jatha Kamgars” are not the employees of the Merchants, in the accepted sense of term, as there is no continuous employer-employee relationship between the workers and the Merchants. The Committee is, therefore, of the view that the Merchants are not liable to pay any sickness benefits to the workmen. Hence, the Committee does not consider it necessary to make any recommendations in regard to this demand. However, provision for medical relief has been made by the Committee in the proposed “Scheme”, which the Committee has recommended in Part-II of its recommendations, for regulation of employment and the welfare of the workers engaged in handling of iron and steel materials in Greater Bombay. The “Lokhandi Jatha Kamgars” would, therefore, get medical assistance and relief under that “Scheme”, when it comes into force.

12. *Bonus*.—In the opinion of the Committee, the “Lokhandi Jatha Kamgars” not being the employees of the Merchants, are not entitled to claim any bonus from the Merchants. However, under the proposed “Scheme”, which the Committee has recommended under Part-II of its recommendations, the Committee has provided for payment of an “Annual Employment Benefit”, equivalent to about one month’s average wages, to the workers every year. When this benefit is available to the workers, they would get some relief in this regard.

13. *Application of Labour Legislation*.—The position with regard to the applicability of labour legislation to the “Lokhandi Jatha Kamgars” has been discussed in Chapter II, paragraph 21 of this Report. The Committee is of the view that no labour legislation, excepting the Workmen’s Compensation Act, 1923, is, at present, applicable to the “Lokhandi Jatha Kamgars”. The Committee is further of the view that none of the existing labour legislation, excepting the Workmen’s Compensation Act, 1923, can be fruitfully applied to these workmen, as their work is of an intermittent nature and as they work for different employers for different periods, even in the course of the same day. Thus, they are not in a position to put in the “minimum qualifying service” prescribed under the various labour Acts for deriving the benefits laid down thereunder. The Committee is, therefore, of the opinion that a separate legislation for the regulation of employment and welfare of the “Lokhandi Jatha Kamgars” is necessary. In view of this, the Committee does not consider it necessary to make any recommendations in respect of this particular demand of the workmen. However, under Part II of its recommendations, the Committee has proposed the introduction, by legislation, of a separate “Scheme” for the regulation of employment and welfare of workers engaged in handling of iron and steel materials in Greater Bombay. That “Scheme”, when brought into force, would in a way meet the present demand of the workmen.

14. *Recognition of Union*.—Of late, the question of recognition of trade unions of workmen by the employers has assumed considerable significance. This matter was, in July 1957, considered by the 16th Session of the Tripartite Indian Labour Conference, which was held at Nainital, and the said Conference has laid down certain principles and has prescribed a detailed procedure for the recognition of trade unions of workmen by the employers. The principles and the procedure prescribed by the Conference are contained in the “Code of Discipline in Industry”. This Code, which came into operation from June 1958, the Committee understands, has worked well and several trade unions of industrial workers

have been recognised by the employer under it since then. The Committee notes that there is not much opposition from the Merchants in regard to the question of recognising the trade union of the "Lokhandi Jatha Kamgars", which enjoys the confidence of the majority of the workmen. The only point in this connection in respect of which the Merchants want to be satisfied is the membership strength of the respective trade unions and the authority who should verify the same. As the "Code of Discipline in Industry" is so far the only recognised procedure in this behalf and since the Office of the Commissioner of Labour, Bombay, is entrusted with the administration of the said Code in Maharashtra State, the Committee recommends that the Lokhandi Jatha Kamgar Union, Bombay and the Transport and Dock Workers' Union, Bombay, may approach the Office of the Commissioner of Labour, Bombay, for getting the question as to which of the two trade unions should be recognised by the Merchants in the iron and steel trade in Bombay decided, on the lines of the principles and procedure laid down in the Code. The Committee further recommends, that the decision of the Office of the Commissioner of Labour, Bombay, in this behalf may be honoured by the Merchants in the trade and they may recognise the relevant Union accordingly.

15. *Existing Privileges.*—The Committee notes that this demand has been made by the "Lokhandi Jatha Kamgars" with a view to protecting the existing privileges and facilities enjoyed by them. The Committee further notes that the Merchants are not anxious to curtail or reduce the present privileges and facilities, like residing in the godowns of the Merchants, maintaining the offices of the "Tollies" in the business premises of the Merchants, etc., which are enjoyed by the workmen at present. The Committee, therefore, does not consider it necessary to make any recommendations in respect of this demand. However, the Committee would like to point out that, with the coming into operation of the proposed "Scheme", which the Committee has recommended under Part-II of its recommendations, such of the existing privileges and facilities, which are enjoyed by the workmen at present, as are not in consonance with the said "Scheme", may have to go from the date the said "Scheme" comes into operation.

16. (a) *Wage-Rates for loading, unloading and/or Stacking Work.*—Although, there is no agreement between the workmen and the Merchants in regard to the prevailing slabs of weights for loading, unloading and or stacking work, certain facts in regard thereto, are undisputed by the parties. Firstly, there is no dispute between the parties in regard to the first slab under either of the two systems. The first slab under both the

systems is 50 to 150 kgs. and the present wage-rates for the same are also the same under both the systems. The present wage-rates for first slab is Rs. 1.38 P. per 1,000 kgs. for the Merchants and Rs. 1.72 P. per 1,000 kgs. for the Customers of the Merchants. Another point in this connection in respect of which there is no controversy is with regard to the last slab under both the systems. Although the final slab under the three slab system is 400 to 1,000 kgs. while under the six slab system it is 750 to 1,000 kgs. the work available in this slab is only nominal. This is because the Merchants find it more economical to employ cranes in respect of items having higher weights, i.e., of about 1,000 kgs. or so. The result, therefore, is that the wage-rates for the higher slab are not very material, since very little work is done by the workmen in those slabs. In fact, the position under either of the abovesaid two slab systems is that the higher the slab, the less the quantum of work available. The bulk of the work of handling of iron and steel materials is generally done in the first and the second slabs and it is these slabs, which are important to the workmen, from the point of view of their earnings. Taking into consideration these facts, the Committee is of the view that the slabs of weights of the different items of work require to be rationalised and the wage-rates, therefore, require to be suitably revised.

It has already been stated in Chapter II, paragraph 9, of this Report that, at present, some Merchants are paying on the basis of a three slab system and others on a six slab system. The Committee feels that three slabs are too few, while six slabs are too many. The first system is disadvantageous to the workers and the second is costlier to the Merchants. The Committee, therefore, is in favour of a four slab system. The Committee has finally arrived at the following Scheme of weights and wages :—

Slabs of Weights (Kgs.).		Rates of wages (Rupees per 1,000 kgs.).	
1—150	1.45
151—400	3.00
401—750	6.00
751 and above	10.00

The Committee, therefore, recommends that, with effect from 1st January 1966, the slabs of weights and the wage-rates for loading, unloading and or stacking work, shall be rationalised and revised as above.

(b) Having thus rationalised and revised the wage-rates for the different items of loading, unloading and or stacking work of iron and steel materials and prescribed a date from which the said wage-rates may be effective, the next question which requires to be considered in this connection is in regard to the period for which the wage-rates recommended by the Committee may be operative. It is the accepted pattern of any sound wage fixation that the wage-rates once having been fixed up after due consideration, should not be disturbed at short intervals. Under Agreements or settlements, wage-rates are usually prescribed for a period of three years or so. The Committee has noted that the "Lokhandi Jatha Kamgars" have, between the year 1962 and 1964, secured two quick *ad-hoc* increments in their wage-rates and have again in the year 1965 come up before this Committee for a further wage-rate revision. The Committee is, therefore, anxious to see that the wage-rates now laid down by it are maintained for a reasonable period of time. In the opinion of the Committee a period of three years would be reasonable in this regard. It may, however, be mentioned here that the Committee, under Part-II of its recommendations, is proposing to regulate the employment and welfare conditions of the "Lokhandi Jatha Kamgars" through a "Scheme" which is intended to be brought into force by special legislation. Under that "Scheme", a Bipartite "Board" is proposed to be set up for the administration of the "Scheme". The proposed "Board", *inter-alia*, will have powers to revise the wage-rates of the workers. Hence, if the proposed "Board" comes into existence and if it considers it necessary to revise the wage-rates of the workers, which have been prescribed by this Committee, even before the expiry of the period of three years recommended by this Committee, the wage-rates so revised by the proposed "Board", would stand and would take effect from the date laid down by it. In that event, the wage-rates recommended by this Committee would be rescinded and the new wage-rates, which may be recommended by the proposed "Board", would prevail. Having regard to the above position, therefore, the Committee recommends that the wage-rates recommended by it under paragraph (a) above, as also under paragraph 2(b) above, shall remain in force for a period of three years, i.e. upto 31st December 1968, if the proposed "Board", which the Committee has recommended under Part-II of its recommendations, does not come into existence and if it does not revise the wage-rates by then.

(c) The Committee would like to emphasise and clarify here that the rationalised slabs of weights and the revised wage-rates for loading, unloading and or stacking work, recommended by it under sub-paragraph (a) above, is intended to be brought into force throughout Greater

Bombay, wherever the said work is being or may be done. In other words, it is the view of the Committee that the said slabs of weights and the revised rates of wages should be applicable at all places in Greater Bombay like Darukhana, Kharva Galli, the stockyards of Main Producers, like Messrs. Tata Iron and Steel Co., Ltd., and Messrs. Indian Iron and Steel Co., Pvt. Ltd., the Re-Rolling Mills Premises of Messrs. Mukand Iron and Steel Works Ltd., and Messrs. Krishna Iron and Steel Industries Pvt., Ltd., and not in the "Lokhandi Jatha" only. This is with a view to preventing the Merchants in the "Lokhandi Jatha", who are, at present generally paying higher rates, for the said items of work, than at other places, being put at a still further disadvantage. The Committee is, therefore, anxious to see that the rationalised slabs of weights and the revised wage-rates for loading, unloading and or stacking work, which have been recommended by it under sub-paragraph (a) above, are brought into force uniformly throughout Greater Bombay wherever the said work is being done. Till such time, if uniform enforcement is not possible, the Committee feels that the present wage-rates for the said items of work, based on the three slab or six slab system, as the case may be, with the interim increase of 10 per cent. announced by the Commissioner of Labour, Bombay from August 1964, may continue to prevail in the "Lokhandi Jatha". Having regard to the above position, therefore, the Committee recommends that the wage-rates laid down under sub-paragraph (a) above shall come into force from 1st January 1966, subject to the enforcement of the same by Government uniformly throughout Greater Bombay, wherever work of handling of iron and steel materials is being done. In case, however, if Government is not able to enforce the abovesaid wage-rates uniformly throughout Greater Bombay from 1st January 1966, the present wage-rates based on the three slab or six slab system, as the case may be, with the interim increase of 10 per cent. announced by the Commissioner of Labour, Bombay may continue to prevail in the "Lokhandi Jatha" till such time as Government is in a position to enforce the abovementioned wage-rates uniformly throughout Greater Bombay.

Part II

Suggestions for Alternative Systems of Employment.—It has been seen earlier that the "Lokhandi Jatha Kamgars" or the "Tolliwalla" workers as they are called, who do the work of handling, i.e. loading, unloading, etc., of iron and steel materials, do not come within the scope of the definitions of an employee, under the Bombay Shops and Establishments Act nor does any other labour Act secure to them the benefits of privilege leave, sick leave, provident fund, employment insurance, etc.,

excepting possibly the benefit of accident compensation under the Indian Workmen's Compensation Act. The Committee, therefore, considered the ways and means by which some of these benefits may be secured to those "Tolliwalla" workers. There were three suggestions for consideration before the Committee, viz. :—

- (1) Direct employment of the workers by the Merchants ;
- (2) A Co-operative Society of the workers ; and
- (3) A Joint Board, consisting of the representatives of Employers and the workers.

As regards the suggestion of "direct employment" of workers by the Merchants, only a few bigger merchants can afford to give employment to workers from day to day. However, a very large number of Merchants are small traders; who require labour for loading and unloading work only occasionally. The annual wage bill of some Merchants is as low as Rs. 300 to Rs. 400. Thus, only a small number of "Tolliwallas" would be absorbed in full-time employment and the remaining "Tolliwallas" will have to continue under the present system. This suggestion, therefore, was not considered suitable by the Committee.

The second proposal was that of a Co-operative Society of workers in the "Lokhandi Jatha". The Co-operative Society will no doubt secure some advantages to the workers amongst themselves. It may, if the management is able, reduce the inequality in the distribution of work and earnings of different "Tollies" and thus reduce the rivalry between the "Tollies". But the main drawback of this proposal is that it will be more or less a labour contractor providing labour to Merchants on piece-rate basis. The Society will not get the benefit of the views or even the sympathy of the employers and will not know the difficulties or problems of the Merchants so far as their work of loading and unloading is concerned. Nor will the Co-operative Society be able to secure the benefits of labour legislation, except by special agreements with the Associations of the Merchants. The relationship of the Merchants and the Co-operative Society will be purely a business relationship and even the personal touch that, at present, exists between a Merchant and a particular "Tolli" will disappear. It may be mentioned here that the representatives of both the Trade Unions, who gave evidence before the Committee, have expressed their disapproval of the suggestion regarding the Co-operative Society.

The Committee is aware that there are a few Co-operative Societies working for "Mathadi" workers. But their position does not appear to be different from that of contracting agencies. Even the Co-operative Society known as the "Cotton Kamgar Labour Co-operative Society", which is operating in the cotton trade, found it necessary to have on their Managing Committee representatives of employers, viz. (1) the East India Cotton Association, and (2) the Bombay Cotton Merchants and Mukadams' Association, even though these Associations or their members are not the members of the Co-operative Society. Hence, the Committee did not accept the suggestion of a Co-operative Society.

The Committee is, therefore, of the view that the third alternative, viz., a Joint Board consisting of representatives of employers and workers will be the most suitable. This co-operation of employers and workers is better than the co-operation of the workers alone, which is obtained in a Co-operative Society. Here again, there were two alternatives before the Committee. One was to have a tripartite Board, consisting of representatives of employers and workers and one or more independent members and the second alternative was to have a purely tripartite Board, not having any independent members. Theoretically, no doubt, it is better to have one or two independent persons, who shall bring an independent and impartial judgment to bear on the issues and matters, coming before the Board. But, as against this, the difficulty is to get such members to attend regularly and give their sufficient time without remuneration. The Board will meet at least once a month, apart from the meetings of the Standing Committee and the Sub-Committees. It will be extremely difficult for outsiders to attend these meetings, as they have to attend to their regular business or work, and, if they are to be paid adequately, the funds of the Board, particularly in the initial stages, may not be sufficient. The Committee, therefore, proposes that the Joint Board should consist of only representatives of employers and the employees in the iron and steel trade in Bombay.

One of the suggestions before the Committee was that we should adopt the constitution and provisions of the Dock Labour Board Scheme. The Committee has carefully considered that Scheme. But, its detailed provisions were found to be too complicated, elaborate and costly for the Joint Board that the Committee wants to recommend for the "Lokhandi Jatha" workers, particularly in the early stages. One important provision of the Dock Labour Board Scheme that the Committee has, after consideration and discussion, not adopted is with regard to the relationship of the Board to the workers. Clause 37 of the Dock

Labour Board Scheme provides that the workers should be deemed to be the employees of the Board. This Committee does not think that this is suitable for the Board that it is proposing under its recommendations. The Board in Scheme of this Committee is a Control Agency to bring the employers and workers together and to arrange proper and equitable distribution of work among the workers, to collect the wages from the Merchants and the levies from both and to distribute them according to the rules. The relationship of master and servant will only exist between the Merchants and the workers, during the period of their work and this will not be affected, in any way, by the existence of the Board. A copy of the Scheme, as approved by the Committee, is appended at the end of this Chapter of the Report.

The Bombay Iron and Steel (Loading and Unloading) Labour (Regulation of Employment and Welfare) Scheme.—The principal provisions and main features of the Scheme proposed by the Committee are as follows :—

The Board should consist of ten members—five representing employers and five representing workers. Initially, all the members of the Board should be nominated by Government and the period of the first Board should be of two years. Four representatives should be nominated to represent the interests of the employers, after consulting the two Associations of Employers, and four representatives should be nominated to represent the interests of the workers, after consulting the two Trade Unions of workers. The remaining two representatives—one for the employers and the other for the workers—should be nominated by Government to represent the interest of employers and workers in Bombay outside these two Associations and the “Tollies” in the “Lokhandi Jatha”.

The period of this Board will be two years. The next Board shall be an elected one—four members to be elected by registered workers and four members to be elected by registered employers. The period for the second and successive Boards shall be three years. The Committee has also recommended that after five years, the Scheme should be revised again to see if any major alterations in the Scheme are necessary. The Committee would like to emphasise that the Scheme should be made applicable to the whole of Greater Bombay. This, those employers or producers, who are not members of the two Associations, as well as all other workers, such as the workers at Darukhana, Kharva Gulli, etc.,

doing loading and unloading work of iron and steel materials in Greater Bombay should also be brought within its scope.

The Committee has also proposed that out of the five members each representing employers and workers, at least three must be actual employers and workers themselves and not more than two on each side may be merely representatives like the Secretaries of Associations or Trade Union Officials, who are not themselves registered employers or workers. Here again, a suggestion was strongly pressed in the Committee that the two Associations and the two Unions should have at least one representative each on the Board. The Committee, however, came to the conclusion that such a provision is not advisable in the Scheme. But the Board may, in its procedural Rules for election, adopt the suggestion, if necessary.

The Board will appoint the following Committees, viz.:—

- (1) the Standing Committee.
- (2) the Housing Committee.
- (3) the Medical and Welfare Committee.

The Standing Committee shall consist of the Vice-Chairman of the Board, who will be its Chairman, and four members of the Board—two employers' representatives and two representatives of workers. The main work of the Standing Committee will be to supervise and guide the creation of suitable pools of workers and distribution of work equitably among the registered workers.

The Housing Committee shall consist of the Chairman of the Board, who will be its Chairman, and two more members of the Board— one each from the employers' and workers' side respectively. The Housing Committee will consider the urgent problem of the workers' housing and start taking measures for it. This Committee hopes that, with the minimum ten per cent. of the Board's annual income that it is proposing for the Housing Committee, within five years, the first residential building for these workers would be ready. The Board may provide by Rules that the Housing Committee may co-opt not more than two members on it.

The Medical and Welfare Committee will consist of the Vice-Chairman as its Chairman and two more members of the Board, representing employers and workers. This Committee will deal with the provision of immediate medical relief and sanitary conveniences for the workers and will adopt measures for their comfort and general welfare.

The period of the Standing Committee, the Housing Committee and the Medical and Welfare Committee will be one year.

Apart from the equitable distribution of work and wages to the workers and the efficient service to the employers, one of the principal objects of the Board, as proposed by the Committee, is to try to provide one month's wages to a worker, who has worked for about 10 months in a year as "Annual Employment Benefit", as he is not able to secure any privilege leave, or any other benefit of the present labour legislation. For that purpose, on a rough calculation, the Committee has come to the conclusion that it is necessary to recover a levy of 12 per cent. of the annual wage-bill from every registered employer and 3 per cent. of the annual earnings from every registered worker. For the purpose of this calculation, the Committee has taken an average wage of Rs. 150 per worker for 10 months for 2,000 workers.

The representatives of the two Associations of employers' on the Committee, Shri Gheewalla and Shri Gupta desire it to be noted that they are consenting to a 12 per cent. levy from the employers for the Board only on condition that the Joint Board comes into existence, and that, if the recommendation of a Board does not materialise, their consent to the levy should not be taken as a ground for enhancing the rates of labour charges even without the Board.

As regards the Annual Budget of the Board, the Committee estimates that about 2,000 workers will be covered by the Scheme. Assuming, Rs. 150 per month as the average wage of a worker and he works for 10 months in a year, the annual wage bill of a worker will be Rs. 1,800 and that of the 2,000 workers will be Rs. 30 lakhs. This will give an annual income of Rs. 4,50,000 to the Board with a levy of 15 per cent. of the annual wage-bill.

As regards the annual expenditure of the Board, the Committee estimates that the operating and management expenses of the Board will be from Rs. 25,000 to Rs. 30,000 a year. The Housing Fund and the Medical and Welfare Fund will absorb 20 per cent. of the annual wage-bill, i.e., about Rs. 90,000. About five per cent., i.e., Rs. 25,000 will go to the Reserve Fund. These four items, therefore, take Rs. 1,45,000 and the balance left out of the annual income of Rs. 4½ lakhs is Rs. 3,05,000. This will be available for distribution to the workers as "Annual Employment Benefit". The amount is a little more than the monthly wage-bill of Rs. 3 lakhs for 2,000 workers.

But the success of the Scheme will depend on the efficient staff and, in particular, the Secretary, who is the principal Administrative Officer of the Board. For that purpose, the first Secretary must be a very competent and able man, because it is he who will attend to the daily needs of the Merchants and the proper distribution of workers. He must not only be conscientious, impartial, and honest, but he must be also enthusiastic about the Scheme. He would, no doubt, be under the control of the Board and will be guided by the Standing Committee. But subject to their orders, the Secretary will have to act and solve the difficulties and problems that arise from day to day. The Committee believes that the Board will be able to get a Competent Secretary on a consolidated salary of Rs. 500—25—750, with a travelling allowance of Rs. 25 per month. The Committee suggests that the Board should absorb some of the able Mukadams of the "Tollies" as full-time Supervisors under the Board. Their knowledge and experience will be useful to the Board in arranging various pools and allotting workers to them. The Board will have to form several pools of workers for various centres. But, these pools will not be watertight categories of workers but will be adjustable and the workers may be transferred from one pool to another, according to the needs of the day.

In the beginning, it is possible that the Board may not be able to provide employment to every registered worker, who attends for work, but the Standing Committee or the Secretary will have to see that a person, who does not get work today, gets the work the next day or the day after. The Committee has very carefully considered whether the minimum number of days of employment in a month should be provided in the Scheme or the minimum wage or the attendance wage or the disappointment wage, as has been done in the Dock Labour Board. The Committee is, however, of the opinion that it should be left to the Board itself to adopt all or some of them, when it considers them practicable. The Board may also provide for payment to its members of a reasonable honorarium not exceeding Rs. 20 per meeting of the Board, if its annual income permits. The meetings of the Standing Committee and other Committees will be without honorarium or any payment to its members.

Another important question is that of the rates to be charged to the Customers. At present, the "Tolliwallas" charge them in the "Lokhandi Jatha" 25 per cent. more than the corresponding rates for Merchants in the "Lokhandi Jatha". In our recommendations we have proposed that until the rationalised Scheme of four slabs and new rates for them are brought into force throughout Bombay by Government, the surcharge of 25 per cent. to Customers in the "Jatha" should continue. But, the question is whether the surcharge to Customers should also continue

after the proposed Board comes into existence. The Committee considers that as the Merchants have to pay a levy of 12 per cent., the Customers should also pay a corresponding levy of surcharge of 12 per cent., which is nearly half of what they are paying now. So the Committee, therefore, recommends that the rates for Customers should be 12 per cent, higher than the corresponding rates for the registered employers, when the proposed "Board" comes into existence.

Incidentally, the Committee would like to stress here that, while the present "tolli" system may continue till the proposed Bombay Iron and Steel Labour Board comes into existence, we strongly recommend that in the context of the rationalised wage-structure, with a view to promote more efficient and expeditious despatch of work, the present rigidity of the "Tolli" system which makes the Merchants irrevocably attached to some fixed "Tollies" should be relaxed. In event, the "Tollies" from themselves tied up with work of other traders or they are unable to carry out the work at the time required and the work of any trader is likely to be delayed, it should be open to the trader concerned to engage other "Tollies" or workers from the iron and steel market and get their urgent work carried out. The present "Tollies" should take no exception to this.

The Scheme that the Committee has drafted contains the essential provisions only. Government will have to consider very carefully, if any drafting changes are necessary to the same. But, the Committee is strongly of the opinion that the Board should be brought into existence, as soon as possible. In order that its advantages should be secured and the present disadvantages should be eliminated, the Committee wants to emphasise that the working of the Scheme will depend not only on the provisions of the Scheme and its legal accuracy but it will also depend on the spirit in which it is worked by both the employers and workers. The Committee has proposed that the Board should consist of employers' representatives and workers' representatives only, without any outside or independent representative. Unless, therefore, they work willingly and in co-operation, the working of the Board will be difficult. If each side tries to manoeuvre for control or domination or to secure a voting advantage, over the other, the Scheme will be a failure and there will be frequent deadlocks. Both sides must feel that they have an interest in the working and must work in a spirit of co-operation.

“THE BOMBAY IRON AND STEEL (LOADING AND UNLOADING) LABOUR (REGULATION OF EMPLOYMENT AND WELFARE) SCHEME”

1. *Title*.—The Scheme may be called the “Bombay Iron and Steel (Loading and Unloading) Labour (Regulation of Employment and Welfare) Scheme”.

2. *Objects*.—The objectives of the scheme may be—

(1) to ensure greater regularity of employment, equitable distribution of work and remuneration, employment conditions and benefits to the workers doing, loading unloading, etc., work in the iron and steel trade in Greater Bombay; and

(2) to ensure quick, efficient and economic supply of labour to the employers engaged in the iron and steel trade in Greater Bombay.

3. *Application*.—The Scheme may be applicable to all workmen (other than those directly employed by the Dock or Railway Authorities) engaged in the loading and unloading work in the iron and steel trade, business or manufacture, anywhere in Greater Bombay.

4. *Commencement*.—The Scheme may be brought into force from such date or dates as the State Government may fix, after giving due notice thereof, through the Official Gazette, to all concerned parties.

The different clauses of the Scheme may be given effect from different dates or from such date(s) as the State Government may specify by due publication in the Official Gazette.

5. *Definitions* —(a) *Board*.—“Board” may mean the “Bombay Iron and Steel (Loading and Unloading) Labour (Regulation of Employment and Welfare) Board” constituted under the Scheme;

(b) *Chairman*.—“Chairman” may mean the Chairman of the “Bombay Iron and Steel (Loading and Unloading) Labour (Regulation of Employment and Welfare) Board”;

(c) *Iron and Steel (Loading and Unloading) Work*.—“Iron and Steel (Loading and Unloading) Work” may mean all operations and processes relating to loading, unloading, bending, stacking, restacking, weighing, bundling, measuring and taping of prime iron and steel materials (as defined in the Iron and Steel Control Order, 1956), including all processes and operations incidental thereto, at all places or premises, including the compounds, enclosures, stockyards and Ware-houses, Godowns, Shops, Factories, Railway Yards and Dock Yards and precincts thereof, where such operations or processes are carried on;

(d) *Registered Employer*.—"Registered Employer" may mean a "registered stockist", a "controlled stockist", a "main producer", and a "registered re-roller" (as defined in the Iron & Steel Control Order, 1956), engaged in the iron and steel trade, business or manufacture in Greater Bombay, whose name, for the time being, is entered in the "Employers' Register" under the Scheme;

(e) *Registered Workers*.—"Registered Worker" may mean a worker engaged in the iron and steel (loading and unloading) work in Greater Bombay whose name is, for the time being, entered in the "Workers' Register" under the Scheme;

(f) *Employers' Register*.—"Employers' Register" may mean the Register of "registered stockists", "controlled stockists", "main producers" and "registered re-rollers" (as defined in the Iron and Steel Control Order, 1956), engaged in the iron and steel trade, business or manufacture in Greater Bombay to be maintained under the Scheme;

(g) *Secretary*.—"Secretary" may mean the Secretary of the Board appointed under the Scheme;

(h) *Vice-Chairman*.—"Vice-Chairman" may mean the Vice-Chairman of the "Bombay Iron and Steel (Loading and Unloading) Labour (Regulation of Employment and Welfare) Board"; and

(i) *Workers' Register*.—"Workers' Register" may mean the register of workers, engaged in the Iron and Steel (loading and unloading) work anywhere in Greater Bombay, to be maintained under Scheme.

6. *Board*.—(a) The State Government may, by notification in the *Official Gazette*, constitute a Board to be called the "Bombay Iron and Steel (Loading and Unloading) Labour (Regulation of Employment and Welfare) Board", which may, subject to the provisions of the Scheme, be responsible for the carrying out of the objectives of the Scheme and for the administration of the Scheme;

(b) The Board may be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both moveable and immovable and to contract and may sue and be sued under the said name;

(c) The Board may consist of ten members of whom five members may represent employers and five may represent workers. Four of the five members representing employers and four representing workers may be elected by secret ballot by the Registered Employers and Registered Workers respectively. The two remaining members, one representing employers and one representing workers, may be nominated by Government. Of the five members representing employers, at least three may

be Registered Employers, including a Proprietor, Partner, Manager, Director, Managing Director and of the five members representing workers, at least three may be registered workers. All the ten members of the first Board may be nominated by Government, after consulting the two Associations of Employers, viz. (1) The Bombay Iron Merchants' Association, Bombay and (2) The Iron, Steel and Hardware Merchants' and Manufacturer's Chamber of India, Bombay and the two Trade Unions of workers, viz. (1) The Lokhandi Jatha Kamgar Union, Bombay and (2) The Transport and Dock Workers' Union, Bombay. Subsequently if it so considers necessary, make provisions under its rule making powers, for giving specific representation on future Boards to the representatives of the abovesaid two Associations of Merchants and Trade Unions of workmen ;

(d) One of the members of the Board may be the Chairman of the Board and the another member may be its Vice-Chairman, provided that, if the Chairman of the Board, is from the employers' side, the Vice-Chairman of the Board may be from the workers side and *vice versa*; provided further that the Chairman and the Vice-Chairman of the Board may alternatively be elected from the employers' and workers' side respectively during consecutive terms of the Board. The Chairman and the Vice-Chairman of the Board may be elected by secret ballot by the members of the Board ;

(e) The members of the first Board, who may be nominated by Government, may hold office for a period of two years from the date of appointment. The members of subsequent Boards, who may be elected may hold office for a period of three years and they may be eligible for re-appointment, provided that the outgoing members may continue in office until the appointments of their successors are notified by Government in the Official Gazette ;

(f) A casual vacancy occurring in the Board may be filled in by nomination or election, as the case may be, by another member representing the employers' or workers' or other interests, as the case may be. The member so nominated or elected to fill in a casual vacancy may hold office for the unexpired term of the person in whose place he has been nominated or elected. Every casual vacancy caused and the filling in thereof shall be notified by Government by publication in the Official Gazette ;

(g) A member, other than the Chairman, may resign his office by a letter under his hand addressed to the Chairman ;

(h) The Chairman may resign his office by a letter under his hand addressed to the State Government ;

(i) A member may be deemed to have vacated his office:—

(i) if he proceeds out of Bombay for a period exceeding three months, without the permission from the Board. In the case of the Chairman, permission of the State Government may be necessary in this behalf ;

(ii) if he becomes insolvent ; or

(iii) if he is convicted of an offence which, in the opinion of the State Government, involves moral turpitude ; or

(iv) if he is absent from three consecutive meetings of the Board spread out over a period of 3 months, without leave of absence from the Board or the Chairman ;

(v) if he for any reason ceases to represent employers or other interests, as the case may be, engaged in the iron and steel trade in Bombay ;

(j) No act or proceedings of the Board may be questioned merely on the ground of the existence of any vacancy in or defect in the constitution of the Board ;

(k) The quorum for and the procedure at the meetings of the Board may be such as the Board may, from time to time determine. The quorum of the Board shall, however, not be less than at least one member each from the employers' and workers' side respectively ;

(l) If any question arises for the decision of the Board, it may be decided by vote of the majority of the members present and voting and, in case of equality of votes, the Chairman may have a second or casting vote. Provided, however, that any decision or decisions arrived at by the Board, as a result of a second or casting vote of the Chairman, may be subject to the approval of the State Government ;

(m) The Board may, for the purposes of assisting it in its deliberations, co-opt any person for specific matter or matters. Such a co-opted member may not, however, have any right to vote.

7. *Secretary.*—The Board may appoint a Secretary, a Deputy Secretary and such other staff and pay them such salaries and allowances and prescribe for them such terms and conditions of service, as it may deem fit. The appointment, salary and service conditions of the Secretary and the Deputy Secretary, may, however, be subject to the approval of the State Government.

8. *Functions of the Board.*—(1) The Board may take such measures as it may consider desirable for carrying out the objects of and for administering the Scheme. Such measures, *inter alia*, may include:—

(a) ensuring the adequate supply of workers to the registered employers and equitable distribution of work to registered workers, with a view to facilitating rapid, efficient and economic turn-over of work ;

(b) regulating the admission in and discharge of workers from the Scheme ;

(c) determining and keeping under review, from time to time, the number of registered workers on registers or records of the Board and the increase or decrease to be made in the number of registered workers ;

(d) keeping and maintaining the employers' register, entering or re-entering therein the name of any employer engaged in the iron and steel (loading and unloading) trade in Bombay and, where the circumstances so require, removing from the register the name of any registered employer, in accordance with the provisions of the Scheme or the rules of the Board ;

(e) keeping and maintaining, from time to time, such registers and records of workers as may be necessary, including any registers or records of workers, who are temporarily not available for work and, where the circumstances so require, removing from any register or record the name of any registered worker, in accordance with the provisions of the Scheme ;

(f) grouping or regrouping of registered workers into such groups or pools as may be determined by the Board and transferring workers from one group or pool to another and reviewing the grouping or regrouping of such registered workers ;

(g) constituting the following and any other Funds :—

(1) Reserve Fund ;

(2) Housing Fund ; and

(3) Medical, Health and Welfare Funds and apportioning to them such amounts every year, as may be determined by the Board ;

(h) maintaining and administering the abovesaid Funds, in accordance with such rules as may be laid down by the Board ;

(i) making provisions for health and safety measures of the workers at places where registered workers are employed ;

(j) levying and recovering from registered employers and registered workers contributions provided under the Scheme, viz. 12 per cent. of the total wages payable by the registered employers and 3 per cent of the total wages received by the registered workers. During the first two years of the term of the Board, the rate of the abovesaid contributions from registered employers and registered workers may not be increased or decreased and no other contribution under the Scheme may be collected from them by the Board ;

(k) borrowing or raising money and issuing debentures or other securities and for the purposes of securing any debts or obligations, mortgaging or charging all or any parts of the property of the Board ;

(l) prescribing forms, records, registers, statements and the like required to be maintained under the Scheme ;

(m) appointing the Secretary and the Deputy Secretary, subject to the approval of the State Government ;

(n) sanctioning the creation of posts for staff of the Board and making the appointments to such posts ;

(o) making recommendations to the State Government about any alterations, modifications or improvements to the Scheme ;

(p) settling disputes, if any, between registered employers and registered workers ;

(q) compilation of statistics of output of workers and turn-over of work in the iron and steel trade in Bombay and recording its observations and directions thereon ;

(r) sanctioning the opening of one or more accounts, as may be determined by the Board, from time to time, in the State Bank of India ;

(s) directing that all payments above Rs. 10 may be made by cheques only ;

(t) directing the operation of the abovesaid accounts by such persons, not less than two—one each representing employers and workers—as it may, from time to time, authorise ;

(u) directing the investment of its funds in trustee securities ;

(v) appointing, abolishing and reconstituting Sub-Committees excepting the Standing, Housing and Welfare Sub-Committees, for the purposes of carrying out such of the functions of the Board, as it may authorise in this behalf ;

(2) The income and property of the Board, from whatsoever source derived, may be applied towards the objects of the Scheme, including health, safety and welfare measures for registered workers, and no portion thereof may be paid or transferred directly or indirectly by way of dividend or bonus or otherwise, as benefit to the members of the Board ; provided that nothing may prevent the Board from the payment of reasonable and proper remunerations and expenses to any officer or to any member of the Board in turn for any service actually rendered by them to the Board.

nor may anything prevent the Board from the payment of interest, at reasonable rates, on moneys lent or reasonable and proper rents for premises demised or let to the Board, by any member of the Board ;

(3) The Board may cause proper accounts to be kept of the cost of operating the Scheme and of all receipts and expenses under the Scheme and make provision for the proper auditing thereof ;

(4) The Board may submit to the State Government an Annual Report on the working of the Scheme, together with copies of its Audited Balance Sheets and Profit and Loss Accounts Statements and copies of the Proceedings of its Meetings. Copies of the abovesaid documents may also be made available on payment of such fees as the Board may prescribe to all registered employers and workers. Copies of the abovesaid documents may also be kept open for inspection to the registered employers and registered workers for such period(s) as the Board may prescribe.

9. *Responsibilities and Duties of the Chairman (and the Vice-Chairman in the absence of the Chairman).*—(1) The Chairman (and, in his absence the Vice-Chairman) may preside over all the meetings of the Board and he may be generally responsible for the proper conduct of the meetings of the Board and the satisfactory execution of the Scheme. In this behalf, the Chairman may, in particular, be responsible for—

(a) ensuring that the decisions of the Board are properly and expeditiously carried out ;

(b) inspection, supervision and control of the work of the Secretary ;

(c) taking suitable steps to correct any irregularities found or brought to his notice.

(2) The Chairman may delegate any of his duties and responsibilities, as he may deem necessary, to the Vice-Chairman.

10. *Functions of the Secretary.*—Without prejudice to the powers and functions of the Board, Standing Committee and of the Chairman (and the Vice-Chairman), the Secretary, may be responsible for the administration of the Scheme and he may assist the Chairman (and the Vice-Chairman) generally in discharge of their duties and, in particular, he may be responsible for—

(a) keeping, adjusting and maintaining the employers' register, entering or re-entering therein the name of any employer and where the circumstances so require, removing from the register the name of any registered employer, in accordance with the provisions of the Scheme ;

(b) keeping, adjusting and maintaining, from time to time, such registers or records as may be necessary of registered workers, including any registers or records of workers, who are temporarily not available for work and whose absence has been approved by the Standing Committee and, where the circumstances so require, removing from any registers or records the name of any registered workers, either on his own request or in accordance with the provisions of the Scheme ;

(c) the control of registered workers who are available for work, when they are not employed, in accordance with the provisions of the Scheme ;

(d) the grouping or re-grouping of registered workers in suitable pools, in accordance with the instructions of the Board and the Standing Committee ;

(e) the allocation of registered workers who are available for work, to registered employers. For this purpose, the Secretary may—

(i) keep the record of attendance at call stands or control points of registered workers ;

(ii) provide for the maintenance of records of employment and earnings of registered workers ;

(iii) make or cause to be made the necessary entries in the Attendance Cards and the Wage Cards of the registered workers ;

(f) the keeping of proper accounts of the cost of operating the Scheme and of all receipts and expenses under it, and making and submitting to the Board an Annual Report and Audited Balance Sheet and Profit and Loss Accounts statements ;

(g) the framing of Budget annually and getting it approved by the Board ;

(h) maintaining complete service records of all registered workers and record sheets of all registered employers ; and

(i) such other functions as may, from time to time, be assigned to him by the Board, or the Standing Committee and the Chairman (or the Vice-Chairman).

11. *Maintenance of Registers, etc.—(1) Employers' Registers :—*

(a) there may be a register of employers, wherein the names and addresses of all employers registered under the Scheme, may be entered ;

(b) a registration fee of Rs. 15 may be payable to the Board by every registered employer at the time of registration.

(2) *Workers' Registers* :—

(a) there may be a register of workers, wherein the names and addresses of all workers, registered under the Scheme, may be entered ;

(b) there may be another register of workers called the "Register of Workers in Waiting" wherein the names and addresses of all workers, who desire to work under the Scheme and whose names have not yet been entered in the "Workers' Register", may be entered ;

(c) (i) a registration fee of Rs. 2 may be payable to the Board by every registered worker ;

(ii) a registration fee of Re. 1 may be payable to the Board by every worker, whose name has been entered in the "Register of Workers' in Waiting".

13. *Registration of Employers*.—All employers amenable to the Scheme may be required to be registered under the Scheme within a period of one month from the date on which the Scheme has been made applicable to them. The employers, who are the members of the Bombay Iron Merchants Association, Bombay or the Iron, Steel and Hardware Merchants' and Manufacturers' Chamber of India, Bombay are entitled to be registered under the Scheme, on payment of registration fee of Rs. 15.

14. *Registration of Workers*.—(a) All workers amenable to the Scheme may be required to be registered under the Scheme, within one month from the date on which the scheme has been made applicable to them. The workers, who are the members of and are on the registers of the "Tollies" between 1st October 1963 and 30th September 1965 are, however, entitled to be registered under the Scheme, on payment of the registration fee of Rs. 2 ;

(b) The qualifications regarding age, physical fitness, experience, etc., and conditions for the registration of new recruits, other than those under (a) above, under the Scheme may be such as may be prescribed by the Board, from time to time ;

(c) The Board may, from time to time, permit the registration of new workers temporarily for such periods and on such terms and conditions as it may specify ;

(d) New workers selected for registration under the Scheme may be on probation for a period of three months, before they are placed on a full basis on the "Register of Workers" under the Scheme ;

(e) *Irregularity in Registration.*—Notwithstanding any other provision of the Scheme, where the Board is of the opinion that a worker has secured his registration by furnishing false information in its application or by withholding any information required therein or where it appears that a worker has been registered improperly or incorrectly, the Board may direct the removal of his name from the register, provided that before giving any such direction, the Board may give the worker concerned, an opportunity of showing cause why the proposed direction should not be issued to him.

15. *Supply of Cards.*—(i) Every registered worker may be supplied, free of charge, with the following Cards in such forms as may be prescribed by the Board, namely :—

- (a) Identity Card ; and
- (b) Attendance Card and Wage Card.

(ii) In case of loss of a Card, a fresh Card may be issued to the worker on payment of Re. 1 per card.

16. *“Employment Records” of Registered workers.*—“Employment Record” for every registered worker may be maintained by the Secretary in such form as may be prescribed by the Board, which may contain, among other things, a complete record of the disciplinary actions, if any, taken against him by the Board, recommendations for good work done by him, etc. Necessary details in this respect may be supplied to the Secretary by the registered employers.

17. *“Record Sheets” of Registered Employers.*—The Secretary may maintain a “Record Sheet” in respect of each registered employer in such form as may be prescribed by the Board, which may contain, among other things, a complete record of disciplinary actions, if any, taken against the registered employer by the Board.

18. *Surrender of Cards.*—A worker's card may be surrendered to the Secretary or the Deputy Secretary in the following circumstances, namely :—

- (a) when proceeding on leave ;
- (b) when retiring from service ;
- (c) when dismissed or discharged from service ;
- (d) when temporarily suspended from work ; or
- (e) on death.

19. *Entries in Attendance and Wage Cards.*—The Secretary may make or cause to be made necessary entries in the Attendance and Wage Cards of the registered workers in respect of the periods of work done by them with the registered employers and return the same to them before the expiry of the period of their engagement.

20. *Standing Committee.*—(1) The Board may appoint a Standing Committee, comprising of the Vice-Chairman of the Board, and four members of the Board, two each representing employers and workers.

(2) The Vice-Chairman of the Board may be the Chairman of the Standing Committee and the Secretary of the Board may be its Secretary.

(3) The term of the Standing Committee may be one year.

(4) The Standing Committee may meet at such intervals as it considers necessary.

(5) If any question arises for the decision of the Standing Committee, it may be decided by vote of the majority of the members present and voting and, in case of equality of votes, the matter may be referred to the Board for decision.

(6) The functions of the Standing Committee may be to ensure regularity of employment and equitable distribution of work to the registered workers and quick and efficient supply of labour to the registered employers. For this purposes, the Standing Committee, *inter alia* may—

(i) determine the various centres of work for groups and pools of registered workers ;

(ii) arrange to allot work to groups or pools of registered workers at the various centres of work ;

(iii) review, from time to time, the various centres of work and groups or pools of registered workers and the allotment of work at the said centres by the said groups of registered workers ;

(iv) frame rules for the allotment and distribution of work to the registered workers, subject to the approval of the Board ;

(v) guide and supervise the allotment of work by the Secretary and the staff under him ;

(vi) consider the grievances and complaints, if any, of the registered employers regarding any delay, negligence, carelessness or irregularity in the execution of their loading and unloading work by the workers allotted to them ;

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(vii) consider the grievances and complaints, if any, of the registered workers regarding irregularity, injustice or partiality in the allotment of work to them or any complaint of ill-treatment on the part of the employers.

N.B.—Before deciding the complaints or grievances referred to hereinabove, the Standing Committee may call for a report from the Secretary with regard to the facts and circumstances relating to complaint or grievance.

(viii) consider grievances and complaints of workers whose names are in the "Register of Workers in Waiting".

21. *Sub-Committees.*—The Board may appoint (1) a Housing Sub-Committee, (2) a Medical and Welfare Sub-Committee and such other Sub-Committees, as it may deem necessary. The term of the Sub-Committees (1) and (2) above may be one year. The Board may entrust such of its functions; as it may consider necessary to these Sub-Committees, with a view to facilitating compliance with the provisions of the Scheme. The Housing Sub-Committee may comprise the Chairman and two members of the Board and the Medical and Welfare Sub-Committee may consist of the Vice-Chairman and two members of the Board. The composition of the other Sub-Committees may be such as the Board may prescribe.

22. *Obligation of Registered Workers.*—(1) Every registered worker may be deemed to have accepted the obligations under the Scheme.

(2) A registered worker, who is in Bombay, must not engage himself for employment any where in Greater Bombay without the permission of the Secretary. Provided, however, a registered worker may engage himself for work elsewhere, when no work can be provided to him under the Scheme, with the prior permission of the Standing Committee or Board.

(3) A registered worker, who is available for work, must carry out the directions of the Secretary and the Deputy Secretary and must—

(a) report at such places and at such times, as may be specified by the Secretary or the Deputy Secretary and must remain at such call stands or booking places for such period as may be specified;

(b) accept any work, in connection with loading, unloading, etc. of iron and steel materials in Bombay, given to him by the Secretary or the Deputy Secretary.

(4) A registered worker, who is available for work, when allocated by the Secretary or the Deputy Secretary for work to a registered employer, must carry out his duties in accordance with the directions of such registered employer or his authorised representative or supervisor and the rules, if any, of the Dock, Railway Yard, or the place where he is working.

(5) A registered worker may pay a levy of 3 per cent. of his total annual wages to the Board. During the first two years of existence, the Board may not increase the rate of this levy of 3 per cent.

23. *Obligations of Registered Employers.*—(1) Subject to the provisions of the Scheme and the relaxations, if any, that may be given to him by the Board, a registered employer may not employ a worker, other than a registered worker for work relating to loading and unloading of iron and steel materials in Bombay ;

(2) A registered employer may, in accordance with such arrangements as may be made by the Secretary or the Deputy Secretary submit all available information as to his current and future labour requirements to them ;

(3) A registered employer may, unless otherwise directed by the Secretary or the Deputy Secretary, lodge with the Secretary or the Deputy Secretary a return of gross wages (including over-time allowances, if any,) without deductions of any kind, due from him to each registered worker engaged by him and particulars of tonnage of work handled by the workers employed by him in respect of the period covered by the return.

(4) A registered employer must pay to the Secretary or the Deputy Secretary in such a manner and at such times as the Board may direct, the levy payable under the Scheme and the gross wages of the registered workers as specified in the return submitted by him under the preceding provisions. The levy from registered employers during the first two years of the existence of the Board may be 12 per cent. of his total annual wage-bill. This levy on registered employers may not be increased during the first two years of the existence of the Board ;

(5) A registered employer must keep such records as the Board may require or prescribe and must produce to the Board or to such persons as may be authorised by the Board, upon reasonable notice, all such records or documents of any kind relating to the registered workers and the work on which they have been employed and furnish such information relating thereto, as may be set out in any notice or directions issued by/or on behalf of the Board.

24. *Employment of Unregistered Workers in Emergent Situations.*—Where the Secretary or the Deputy Secretary is of the opinion that—

(i) work is not reasonably practicable to be done ; and

(ii) it is not reasonably practicable to obtain a registered worker for that work, he may, subject to any limitations that may be imposed by the Board or the Standing Committee in this behalf, authorise a registered employer to employ a person, who is not a registered worker, provided that whenever an unregistered worker is so employed,

the Secretary may obtain, if possible, the permission of the Standing Committee in this regard and where this is not possible, he may report to the Standing Committee, as early as possible, the full circumstances under which such workers were allocated to be employed. While employing unregistered workers in such circumstances, the employers may give preference to workers whose names have been entered in the "Register of Workers in Waiting" and the Secretary or the Deputy Secretary should recommend the names of such workers to the registered employers while authorising them to employ unregistered workers.

25. *Disbursement of Wages and other Allowances to Registered Workers.*—All wages and other allowances, if any, payable by the registered employers to the registered workers may be remitted by cheque by the registered employer to the Secretary or the Deputy Secretary every fortnight. The Secretary or the Deputy Secretary may thereupon arrange to disburse the wages and other dues, if any, to the registered workers, on a specified day every fortnight, subject to deductions recoverable from them under the Scheme.

26. *Disbursement of "Annual Employment Benefits" to Registered Workers.*—Such "Annual Employment Benefits", as the Board may fix for payment to the registered workers, may be paid to them by the Secretary or the Deputy secretary on a specified day each year.

27. *Constitution of Funds for Welfare of Workers.*—(1) At the end of the year, after meeting all expenses, of operation and management, the Board may make provision out of its net income for the following Funds at the rates shown against their names, viz. :—

- (i) Reserve Fund—not less than 5 per cent.
- (ii) Housing Fund—not less than 10 per cent.
- (iii) Medical and Welfare Fund—not less than 10 per cent.

The balance of income may be distributed by the Board to the registered workers as "Annual Employment Benefits". The Board may frame rules for the proper distribution of this benefit, according to the attendance and work done by the registered workers during the year. The Board may, when funds permit, also provide for—

- (i) Minimum Wage per month ;
- (ii) Attendance Wages ; and
- (iii) Disappointment Wages,

to the registered workers.

(2) The Secretary or the Deputy Secretary may furnish, from time to time, to the Board such statistics and other information, as may be reasonably required relating to the various Funds and their operation ;

(3) if a registered employer fails, within the time prescribed, to make the payments due from him under the Scheme to the Board, the Secretary or the Deputy Secretary may give him a notice of suspension of supply of registered workers; if the employer still fails to pay his dues within seven days of the date of the receipt of notice, the Secretary or the Deputy Secretary may suspend supply of registered workers, to the said employer, until such payment is made by the registered employer.

28. *Power to Remove Difficulties.*—Notwithstanding anything contained in the Scheme, the State Government may, either on its own motion or upon a request from the Board or any registered employer or any registered worker, after making such enquiries as it may deem fit, remove any difficulties coming in the way of the smooth or satisfactory working of the Scheme by passing written orders to that effect. Such orders may be published by the State Government in the *Official Gazette* and they may take effect from such date as may be specified therein and, where no date is specified, one month after the publication of the order in the *Official Gazette*.

29. *Inspectors.*—If complaints of mis-management or gross irregularities in the working or affairs of the Board are received by Government, the Government may appoint one or more Inspectors to inspect the books of accounts and registers of the Board and to submit report in the matter to Government.

30. *Supersession of the Board.*—Notwithstanding anything contained in the Scheme, the State Government may, either on its own motion or upon a request from the Board or any registered employer or any registered worker or Association or Trade Union concerned or on receipt of the Report of the Inspectors under clause 29 above, after making such enquiries as it may deem fit, suspend the Board and entrust its powers and functions, either wholly or partly, to an Administrator (with two Advisers, if necessary), who may be appointed by it for the purpose, for such period, as it may consider necessary. The appointment of the Administrator (and the two Advisers, as the case may be), may be extended by Government, from time to time, as it may deem fit. Orders of Government superseding the Board, appointing the Administrator (and the two Advisers, where necessary) and extending the appointment of the Administrator, etc., may be published in the *Official Gazette* and they may take effect from such date as the State Government may specify, and, where no date is specified, one month after the publication of the order in the *Official Gazette*.

CHAPTER VI

SUMMARY OF RECOMMENDATIONS.

Part I

RECOMMENDATIONS WHICH MAY BE BROUGHT INTO FORCE WITH
EFFECT FROM 1ST JANUARY 1966.

1. *Wage Rates.*—(a) The interim increase of 10 per cent. in the then existnig wage-rate, which was recommended by the Commissioner of Labour, Bombay to be given to the workmen from 1st August 1964, is confirmed by the Committee and the same shall be payable to the workmen by the Merchants and the Customers of the Merchants in the "Lokhandi Jatha", from August 1964 till 31st December 1965 or till such further time as the wage rates recommended by the Committee under paragraph 16 and sub-para (b) below are brought into force.

(b) with effect from *1st January 1966*, the wage-rates for handling the following items of iron and steel materials in Greater Bombay, shall be as under :—

Item	Rates of wages (Rupees per 1,000 kgs.).
Bending	3.50
Cut-Pieces	2.50
Bundling (Bars)	0.62
Bundling (Pieces)	0.75
Barbed Wire Bundle	0.10

N.B.—(i) If *taping work* is asked to be done by the workers along with the loading work, they shall be paid *5 per cent. extra wage-rates* for the said work.

(ii) If *trucks are not provided* for loading work at Docks, Carnac and Wadi Bunder Goods Sheds, the workers shall be paid at *double the ordinary wage rates*.

(iii) If loading and unloading work is done by *crane*, the workers shall be paid at the rate of *Rs. 1.25 P. per 1,000 kgs.*

(iv) If workers are sent out to the Docks or Railway Goods Sheds for loading, unloading, etc., work and if they are required to spend *the whole day* there without any work, they shall be paid wages at *Rs. 6 per day*.

(v) The Customers of the Merchants shall pay 25 *per cent. extra wage-rates* for the abovesaid items of work, with effect from 1st January 1966, till such time as is laid down under clause (a) above.

(c) The abovesaid wage-rates shall remain in force for a period of 3 years, i.e., *upto 31st December 1968*, if the "Board", which the Committee has recommended under Chapter-V, Part-II, of its recommendations, does not come into existence and if it does not revise the wage-rates by them.

2. *Wages of "Chawkidars".*—With effect from 1st January 1966, the minimum wage of the "Chawkidars" directly employed by the Merchants shall be Rs. 80, per month. Further, with effect from 1st January 1966, the system of "Chawkidars" being supplied by the "Tolliwallas" to the Merchants shall be abolished.

3. *Hours of Work.*—The normal hours of work for handling iron and steel materials in Greater Bombay shall be from 8-30 a.m. to 6-30 p.m., including lunch hour, subject to restrictions, if any, of the places like the Railway Goods Yards, Re-Rolling Mills, etc., where the work is done.

4. *Overtime Rates of Wages.*—The over-time rates of wages for work done beyond the normal hours of work prescribed under clause (3) above shall be one and half times the ordinary rates of wages : Provided that any work commenced before 6-00 p.m. will be payable at the ordinary rate of wages ; Provided further that work commenced after 6-00 p.m. and continued after 6-30 p.m. will be charged at overtime rate.

5. *Weekly Holidays.*—Sunday shall be a weekly holiday. However, if work is required to be done by the workers on Sundays, on the instructions of the Merchants, they should be paid for the said work at one and half times the ordinary rates of wages.

6. *Festival and Public Holidays.*—The workers shall get all festival and public holidays, enjoyed by the Bombay Port Trust (Docks) workers, which are at present 13. The holidays shall include "Tukaram Beej" festival (Fagun. Vad. 2), on which day no work shall be taken from the workers. On any of the other festival and public holidays, on the Merchants' instructions, they shall be paid for the said work at one and half times the ordinary rates of wages.

7. *Slips of Weights of Work Done.*—The Merchants shall give to the Mukadams of the "Tollies" slips, *in duplicate*, containing necessary information regarding the nature and weight of the work done by the workmen, within 3 days from the date of completion of work.

8. *Payment of Wages.*—Payments for work done by the workers during a particular month shall be made by the Merchants to the “Tollier” on or before seventh of the following month.

9. *Stacking Work.*—The maximum height of stacking iron and steel goods shall not exceed nine feet.

10. *Accident Benefits.*—Accident compensation, as per the Workmen's Compensation Act, 1923, is payable by the Merchants to the injured workmen or to their nominees (in cases of deceased workmen). The Merchants may either individually or collectively get themselves insured against claims for accident compensation of the worker under the Workmen's Compensation Act, 1923.

11. *Sickness Benefits.*—This has been covered under the “Scheme”, which the Committee has proposed under Chapter V, Part II, of its recommendations, for the regulation of employment and the welfare of the workers engaged in handling iron and steel materials in Greater Bombay.

21. *Bonus.*—This has also been covered under the “Scheme”, which the Committee has proposed under Chapter V, Part II of its recommendations, for the regulation of employment and the welfare of the workers engaged in handling iron and steel materials in Greater Bombay.

13. *Application of Labour Legislations.*—The position in this respect has been discussed in Chapter II, para. 21. In view of the position explained therein, no recommendations are considered necessary by the Committee in this respect, excepting the proposed separate scheme for the regulation of employment and the welfare of the workmen employed in the handling of iron and steel goods in Greater Bombay, which the Committee, under Chapter V, Part II of the recommendations, has recommended.

14. *Recognition of Union.*—The Lokhandi Jatha Kamgar Union, Bombay and the Transport and Dock Workers Union, Bombay may approach the office of the Commissioner of Labour, Bombay, for getting the question as to which of the two unions should be recognised by the Merchants in the Iron and Steel Trade in Greater Bombay, decided on the lines of the principles laid down in the “Code of Discipline in Industry”. The decision of the Office of the Commissioner of Labour, Bombay in this behalf may be honoured by the Merchants in the trade and they may recognise the relevant union accordingly.

15. *Existing Privileges.*—Till such time as the “Scheme” for the regulation of employment and the welfare of the workmen engaged in the iron and steel trade in Greater Bombay commences operation, the existing privileges and facilities enjoyed by the workmen shall be continued to be enjoyed by them. With the operation of the abovesaid “Scheme”,

however, such of the existing privileges and facilities, as are not in accordance with the provisions of the said "Scheme", shall be removed, reduced or curtailed.

16. *Wage Rates for Loading, Unloading and/or Stacking Work.*—
(a) Subject to the provisions of sub-paragraph (b) below, the Committee recommends that, with effect from 1st January 1966, the slabs of weights and the wage-rates for loading, unloading and/or stacking of iron and steel materials in Greater Bombay shall be rationalised and revised as under:—

Slabs of Weights (kg)		Rates of wages (Rupees per 1,000 kg)
1-150	...	1.45
151-450	...	3.00
451-750	...	6.00
751 and above	...	10.00

(b) The abovesaid wage-rates shall come into force from 1st January 1966, subject to the uniform enforcement of the same by Government throughout Greater Bombay, wherever work of handling iron and steel materials is done. In case, however, if Government is not able to enforce, from 1st January 1966, the abovesaid wage-rates uniformly throughout Greater Bombay, the present wage-rates, based on the three slab or the six slab system, as the case may be, with the interim increase of 10 per cent. announced by the Commissioner of Labour, Bombay from 1st August 1964, may continue to prevail in the "Lokhandi Jatha" till such time as Government is in a position to do so.

(c) The abovesaid wage-rates shall remain in force for a period of three years, i.e. upto 31st December 1968, if the proposed "Board" does not come into existence and if it does not revise the said wage-rates by then.

Part II

RECOMMENDATION WHICH MAY BE BROUGHT INTO FORCE ON ENACTMENT OF SPECIAL LEGISLATION.

17. *Regulation of the System of Employment.*—Government may enact separate legislation, at an early date, for the regulation of employment and the welfare of the workmen engaged in handling of iron and steel materials in Greater Bombay, in accordance with the draft "Scheme" appended to Chapter V, Part II of the Report.

CHAPTER VII

ACKNOWLEDGEMENTS

The Committee is thankful to the two Associations of Merchants, viz., (1) the Bombay Iron Merchants' Association, Bombay and (2) the Iron, Steel and Hardware Merchants' and Manufacturers' Chamber of India, Bombay, and the two Trade Unions of the Workmen, viz., (1) the Lokhandi Jatha Kamgar Union, Bombay and (2) the Transport and Dock Workers' Union, Bombay, as also to the several individual Merchants/Stockists/Importers/Commission Agents/Brokers, etc., and the different "Tollies" of workmen, for co-operating with it and sending to it not only replies to its questionnaires but also submitting to it Memoranda, Notes and Statements and deputing representatives to appear before the Committee and give evidence before it. The material submitted to the Committee by these Associations, Trade Unions, individual Merchants and "Tollies" was extremely useful to the Committee in appreciating the take before it and in arriving at necessary decisions in regard thereto.

The Committee is grateful to the Iron, Steel and Hardware Merchants' and Manufacturers' Chamber of India, Bombay, for making available to it the Meeting Hall of its Chamber at Loha Bhavan, Frere Road, Bombay-9, for a period of 9 days between 20th July 1965 and 3rd August 1965, in connection with the evidence recording work of the Committee. The Chamber not only made very satisfactory arrangements in this behalf but also provided tea and light refreshments to the Committee, its staff, as well as to all persons who appeared either for giving evidence before the Committee or for witnessing the evidence recording work of the Committee.

The Committee is also thankful to the Commissioner of Labour, Bombay for making available to it a Chamber in his office for the purposes of holding the Committee's meetings and for sparing the services of the Steno-typist, Shri N. N. Sardar and one Peon, Shri L. R. Kamble, for the office work of the Committee till a Senior Clerk was sanctioned for the Committee by Government. Shri Sardar and Shri M. K. Kandalgaonkar, the Senior Clerk, worked for the Committee conscientiously and diligently and at times willingly worked late hours for the meetings or the work of the Report. Shri Kamble, the Peon, was very useful in this respect.

The Committee places on record its appreciation and acknowledges the services of Shri P. J. Ovid, the Secretary, in preparation of the preliminary drafts of the Questionnaires, the Scheme and this Report and also doing the other secretarial work efficiently.

The Chairman is grateful to his colleagues, the members of the Committee, for their hearty co-operation and good sense, which enabled the discussions and deliberations of the Committee to be conducted throughout, in a pleasant spirit without bitterness. Though the matters involved were highly controversial and the interests of the parties conflicting, the representatives of each side showed great consideration and accommodation for the views of the other side, and helped to secure unanimity on all points. He feels that if the representatives of the employers and the workers on the proposed Board work in the same spirit in which they have worked on this Committee, the success of the Scheme is assured.

(Signed) B. S. KALELKAR,
Chairman.

(Signed) C. L. Gheewala,
Member.

(Signed) Tarachand K. Gupta,
Member.

(Signed) K. A. Khan,
Member.

(Signed) M. P. More,
Member.

(Signed) P. J. OVID,
Secretary.

Bombay,

Dated the 15th December 1965.

ANNEXURES

(Only Annexures 'B' and 'B-1' printed)

ANNEXURE "B".

An agreement has been arrived at between the Bombay Iron Merchants' Association and the Iron, Steel and Hard-ware Merchants and Manufacturers' Chamber of India on the one hand and the Lokhandi Jatha Kamgar Union, on the other hand, representing Toliwallas including Chowkidars and Bundlewallas, on the following terms :—

(1) The parties agree to approach jointly the Government of Maharashtra for immediately constituting a Tripartite Committee consisting of two representatives of trade, one to be nominated by the Bombay Iron Merchants' Association and the one by the Iron, Steel and Hardware Merchants and Manufacturers' Chamber of India, two of the Toliwallas and one Chairman from the Government side approved jointly by the representatives of the trade and Toliwallas or alternatively by the Government in consultation with all the Parties.

(2) It is agreed that out of the two representatives of the Toliwallas, one shall be the representative of Lokhandi Jatha Kamgar Union and the other of Toliwallas, who are not members of that Union.

(3) The terms of reference of the Committee shall be :

(a) To what extent the present rates should be enhanced, rationalised and revised.

(b) Whether there is need to modify the present system of employment including working hours, payment of overtime wages, payment of working on Sundays and holidays, pay scales of Chowkidars, payment of wages on 10th of every month, accident benefits and medical assistance, giving of a slip of correct weight of work done every day, bonus and recognition of Union, and if so, what alternative system of employment should be introduced.

(4) The Committee shall be called upon to submit its report within six months from the date of appointment.

(5) Any rise in the rates recommended by the Committee, shall have retrospective effect from 1st August 1964.

(6) With regard to interim relief, it is agreed to request the Commissioner of Labour to make recommendations. The parties agree to accept them with effect from 1st August 1964.

(7) It is agreed to call off the strike and direct the Toliwallas to resume normal work immediately.

(8) A majority recommendations of the Committee will be binding on the parties.

(9) The parties agree that in the larger interests of industrial peace, neither of the parties shall resort to direct action without first exploring all the normal avenues of ~~settlement~~.

(10) There shall be no victimisation.

(Signed) S. P. Khosla,

Secretary,
for Iron, Steel and Hardware Merchants and
Manufacturers' Chamber of India.

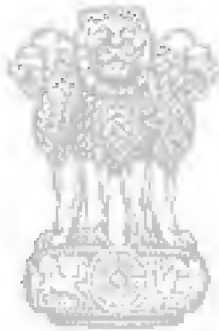
General Secretary,
Lokhandi Jatha Kamgar Union.

(Signed)

Secretary,

For The Bombay Iron Merchants' Association.

8th October 1964.



ANNEXURE " B-1 ".

An agreement has been arrived at between the Bombay Iron Merchants' Association and the Iron, Steel and Hardware Merchants and Manufacturers' Chamber of India on the one hand and the Transport and Dock Workers' Union, on the other hand, representing Toliwallas including Chowkidars and Bundlewallas, on the following terms :—

(1) The parties agree to approach jointly the Government of Maharashtra for immediately constituting a Tripartite Committee consisting of two representatives of trade, one to be nominated by the Bombay Iron Merchants' Association and the one by the Iron, Steel and Hardware Merchants and Manufacturers' Chamber of India, two of the Toliwallas and one Chairman from the Government side approved jointly by the representatives of the trade and Toliwallas or alternatively by the Government in consultation with all the Parties.

(2) It is agreed that out of the two representatives of the Toliwallas, one shall be the representative of Transport and Dock Workers' Union and the other of Toliwallas, who are not members of that Union.

(3) The terms of reference of the Committee shall be :

(a) To what extent the present rates should be enhanced, rationalised and revised.

(b) Whether there is need to modify the present system of employment including working hours, payment of overtime wages, payment of working on Sundays and holidays, pay scales of Chowkidars, payment of wages on 10th of every month, accident benefits and medical assistance, giving of a slip of correct weight of work done every day, bonus and recognition of Union, and if so, what alternative system of employment should be introduced.

(4) The Committee shall be called upon to submit its report within six months from the date of appointment.

(5) Any rise in the rates recommended by the Committee, shall have retrospective effect from 1st August 1964.

(6) With regard to interim relief, it is agreed to request the Commissioner of Labour to make recommendations. The parties agree to accept them with effect from 1st August 1964.

(7) It is agreed to call off the strike and direct the Toliwallas to resume normal work immediately.

(8) A majority recommendations of the Committee will be binding on the parties.

(9) The parties agree that in the larger interests of industrial peace, neither of the parties shall resort to direct action without first exploring all the normal avenues of settlement.

(10) There shall be no victimisation.

(Signed) S. P. Khosla,

Secretary,
for Iron, Steel and Hardware Merchants and
Manufacturers' Chamber of India.

(Signed) M. N. Kotwal,
Transport and Dock Workers' Union.

(Signed)
Secretary,
For The Bombay Iron Merchants' Association.

21st October 1964.

